









20150223 SHRM Hawaii Bill Tracking

|  | Measure  | Notes | Current Status  | Introducer(s)                                      | Referral | Companion |
|--|--|-------|---|--|----------|-----------|
|  | <p><a href="#">HB9</a></p> <p><u>Paid Sick Leave</u></p> <p>RELATING TO HEALTH.</p> <p>Requires employers to provide a minimum amount of paid sick leave to employees to be used to care for themselves or a family member who is ill or needs medical care.</p>   |       | <p>( H ) <a href="#">2/13/2015</a> - The committee(s) on LAB recommend(s) that the measure be deferred.</p> | TAKUMI   | LAB, FIN |           |
|  | <p><a href="#">HB215</a></p> <p><u>Workers' Compensation; Independent Medical Examination</u></p> <p>RELATING TO WORKERS' COMPENSATION.</p> <p>Requires that a physician selected and paid for by an employer to conduct a medical examination for workers' compensation purposes shall be actively treating at least ten patients in a one-month period; be actively treating at least 50 per cent of the physician's total patient load in a one-month period; and possess medical malpractice insurance. Defines "actively treating".</p> |       | <p>( H ) <a href="#">1/26/2015</a> - Referred to LAB, FIN, referral sheet 1</p>                             | NISHIMOTO (Introduced by request of another party) | LAB, FIN |           |
|  | <p><a href="#">HB244</a></p> <p><u>Employment Discrimination; Labor; Smoking</u></p> <p>RELATING TO EMPLOYMENT.</p> <p>Prohibits discrimination against, or terminating, an employee solely for the employee's use of tobacco products outside of compensated working hours. Exempts any organization whose primary purpose is to discourage the use of tobacco products by the general public.</p>  |       | <p>( H ) <a href="#">1/26/2015</a> - Referred to LAB, JUD, referral sheet 1</p>                             | SAIKI (Introduced by request of another party)     | LAB, JUD |           |




20150223 SHRM Hawaii Bill Tracking

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|  | <p><a href="#">HB496 HD1</a></p> <p><u>Family Leave; Partial Wage Replacement</u><br/>RELATING TO EMPLOYMENT.</p> <p>Establishes a partial wage replacement for leave trust fund funded by employee wage withholdings. Uses the trust fund to provide partial wage replacement for four weeks of family leave. Appropriates moneys to administer the trust fund. (HB496 HD1)</p>                                       |       | <p>( H ) <a href="#">2/20/2015</a> - Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with Representative(s) Har, McDermott voting aye with reservations; none voting no (0) and Representative(s) Ito excused (1).</p>  | <p>TAKAYAMA, AQUINO, BELATTI, BROWER, CACHOLA, CHOY, ICHIYAMA, ITO, LUKE, MIZUNO, ONISHI, SAY, WOODSON, Creagan, Keohokalole</p> | <p>LAB, FIN</p> | <p>SB965</p> |
|  | <p><a href="#">HB535</a></p> <p><u>Family Leave; Partial Wage Replacement</u><br/>RELATING TO EMPLOYMENT.</p> <p>Requires twelve weeks of family leave. Establishes a partial wage replacement for leave trust fund funded by employee wage withholdings. Uses the trust fund to provide partial wage replacement for the weeks of family leave that are unpaid. Appropriates moneys to administer the trust fund.</p> |       | <p>( H ) <a href="#">2/17/2015</a> - The committees on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 12 Ayes: Representative(s) Nakashima, Keohokalole, Aquino, Ichiyama, Johanson, LoPresti, San Buenaventura, Takayama, Takumi, Yamashita, Tupola; Ayes with reservations: Representative(s) Har; 0 Noes: none; and 0 Excused: none.</p> | <p>BELATTI, KOBAYASHI, MORIKAWA, SAIKI, Aquino, McKelvey</p>   | <p>LAB, FIN</p> |              |




20150223 SHRM Hawaii Bill Tracking

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|--|--|-------|---|--|----------------------|-----------|
|  | <p><a href="#">HB567</a></p> <p><u>State Ethics Commission; Lobbyist Statements; Online Access</u></p> <p>RELATING TO LOBBYISTS.</p> <p>Requires the electronic filing of lobbyist disclosure statements. Requires that the filed statements be posted online.</p>   |       | <p>( H ) <a href="#">1/28/2015</a> - Referred to JUD, FIN, referral sheet 2</p>   | <p>LOPRESTI, MIZUNO, Keohokalole, Rhoads, San Buenaventura</p> | <p>JUD, FIN</p>      |           |
|  | <p><a href="#">HB653</a></p> <p><u>Workers' Compensation; Independent Medical Examination; Settlement Agreement</u></p> <p>RELATING TO WORKERS' COMPENSATION.</p> <p>Requires workers' compensation settlement agreements to be paid within 14 days. Requires that a request for an independent medical examination be approved or denied by the director of labor and industrial relations within 14 days.</p>  |       | <p>( H ) <a href="#">2/10/2015</a> - The committee(s) on LAB recommend(s) that the measure be deferred.</p>   | <p>SAY, MCKELVEY</p>   | <p>LAB, CPC, FIN</p> |           |
|  | <p><a href="#">HB679 HD1</a></p> <p><u>Workers' Compensation; Eligibility Determination</u></p> <p>RELATING TO WORKERS' COMPENSATION.</p> <p>Amends workers' compensation law for temporary total and partial disability benefits through certification by a physician. Allows for contemporaneous certification and retroactive certification of disability status. Applies only during the period that injuries have not reached medical stabilization or enrollment in a vocational rehabilitation process. (HB679 HD1)</p> |       | <p>( H ) <a href="#">2/10/2015</a> - Passed Second Reading as amended in HD 1 and referred to the committee(s) on CPC with Representative(s) Har voting aye with reservations; none voting no (0) and none excused (0).</p> | <p>NAKASHIMA</p>   | <p>LAB, CPC, FIN</p> |           |




20150223 SHRM Hawaii Bill Tracking

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|--|--|-------|---|--|-----------------|---------------|
|    | <p><a href="#">HB683</a></p> <p><u>Hawaii Civil Rights Commission; Investigation and Conciliation of Complaint</u><br/>RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION.</p> <p>Authorizes the executive director to dismiss a discrimination complaint and issue a notice of right to sue after a determination of a reasonable cause of discrimination is made and conciliation fails.</p> |       | <p>( H ) <a href="#">2/19/2015</a> - Passed Second Reading and referred to the committee(s) on JUD with Representative(s) Har voting aye with reservations; none voting no (0) and Representative(s) Oshiro, Souki excused (2).</p> | <p>NAKASHIMA, AQUINO, ICHIYAMA, LOPRESTI, LUKE, SAIKI, TAKUMI, YAMASHITA, Belatti, Keohokalole</p> | <p>LAB, JUD</p> |               |
|    | <p><a href="#">HB684 HD1</a></p> <p><u>Discriminatory Practices; Employment</u><br/>RELATING TO EMPLOYMENT.</p> <p>Requires employers to implement workplace procedures to prevent unlawful discrimination and harassment in the workplace. (HB684 HD1)</p>  |       | <p>( H ) <a href="#">2/18/2015</a> - Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Pouha excused (1).</p>                         | <p>NAKASHIMA, TAKAYAMA, YAMASHITA, Keohokalole</p>   | <p>LAB, JUD</p> | <p>SB1012</p> |
|  | <p><a href="#">HB685</a></p> <p><u>Employment; Layoffs; Notification</u><br/>RELATING TO EMPLOYMENT.</p> <p>Requires all entities and individuals that employ employees on a non-temporary basis to provide notice to employees at least thirty days in advance of any planned layoff. Subjects violators to civil penalties.</p>  |       | <p>( H ) <a href="#">1/28/2015</a> - Referred to LAB, JUD, referral sheet 2</p>   | <p>NAKASHIMA, LOWEN</p>  | <p>LAB, JUD</p> |               |


20150223 SHRM Hawaii Bill Tracking

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|--|--|-------|---|---|----------------------|---------------|
|  | <p><a href="#">HB795</a></p> <p><u>Medical Marijuana; Employment; Protections</u></p> <p>RELATING TO MEDICAL MARIJUANA.</p> <p>Prohibits an employer from disciplining, suspending, discharging, or discriminating against an employee who is a patient qualified to use medical marijuana solely because the employee tested positive for marijuana use.</p>  |       | <p>( H ) <a href="#">2/11/2015</a> - The committee(s) on HLT recommend(s) that the measure be deferred.</p> | <p>CREAGAN, NAKASHIMA</p>                                   | <p>HLT, JUD</p>      | <p>SB1291</p> |
|  | <p><a href="#">HB1047</a></p> <p><u>Paid Sick Leave</u></p> <p>RELATING TO MANDATORY SICK LEAVE.</p> <p>Requires employers to provide a minimum amount of paid sick leave to employees to care for themselves or a family member who is ill, needs medical care, or is a victim of domestic violence, sexual assault, or stalking.</p>   |       | <p>( H ) <a href="#">1/29/2015</a> - Referred to LAB, JUD, FIN, referral sheet 5</p>                        | <p>LOPRESTI, MIZUNO, Creagan, Say, Souki</p>                | <p>LAB, JUD, FIN</p> |               |
|  | <p><a href="#">HB1049</a></p> <p><u>Family Leave; Partial Wage Replacement</u></p> <p>RELATING TO EMPLOYMENT.</p> <p>Requires twelve weeks of family leave. Establishes a partial wage replacement for leave trust fund funded by employee wage withholdings. Uses the trust fund to provide partial wage replacement for the weeks of family leave that are unpaid. Appropriates moneys to administer the trust fund.</p> |       | <p>( H ) <a href="#">1/29/2015</a> - Referred to LAB, FIN, referral sheet 5</p>                             | <p>LOPRESTI, BROWER, CREAGAN, KOBAYASHI, MIZUNO, Hashem</p> | <p>LAB, FIN</p>      |               |




20150223 SHRM Hawaii Bill Tracking

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|  | <p><a href="#">HB1213 HD1</a></p> <p><u>Employment Security; Independent Contractor</u></p> <p>RELATING TO EMPLOYMENT SECURITY.</p> <p>Allows the Department of Labor and Industrial Relations to set criteria for independent contractor status and when that status is presumed. Establishes certification procedures. Places the burden of proving an employee-employer relationship on the certified independent contractor if the contractor files an unemployment insurance benefits claim against a customer. (HB1213 HD1)</p> |       | <p>( H ) <a href="#">2/10/2015</a> - Re-referred to LAB, CPC/JUD, referral sheet 13</p> | <p>SOUKI, MCKELVEY, NAKASHIMA</p>   | <p>LAB, CPC/JUD</p> | <p>SB1219</p> |
|  | <p><a href="#">HB1269</a></p> <p><u>Public Safety; Workplace Violence; Restraining Orders</u></p> <p>RELATING TO PUBLIC SAFETY.</p> <p>Allows an employer to seek a temporary restraining order and injunction against further harassment of an employee or invitee who may be harassed in connection with a worksite.</p>  |       | <p>( H ) <a href="#">2/2/2015</a> - Referred to LAB, JUD, referral sheet 6</p>          | <p>NAKASHIMA, AQUINO, JOHANSON, TAKAYAMA, TAKUMI, Keohokalole, San Buenaventura</p>     | <p>LAB, JUD</p>     | <p>SB1213</p> |
|  | <p><a href="#">HB1305</a></p> <p><u>Personal Account; Privacy; Employment; Social Networking Website</u></p> <p>RELATING TO SOCIAL MEDIA.</p> <p>Prohibits employers from requiring, requesting, suggesting, or causing employees and potential employees to grant access to personal account usernames or passwords for a social networking website.</p>   |       | <p>( H ) <a href="#">2/2/2015</a> - Referred to LAB, JUD, referral sheet 6</p>          | <p>ING, BROWER, C. LEE, MCKELVEY, NAKASHIMA, NISHIMOTO, OHNO, RHOADS, SAIKI, TAKUMI</p> | <p>LAB, JUD</p>     |               |

20150223 SHRM Hawaii Bill Tracking




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|    | <p><a href="#">HB1497 HD1</a></p> <p><u>Labor; Professional Employer Organizations; Employers; Records</u><br/>RELATING TO LABOR.</p> <p>Requires employers to keep a record of the physical addresses of the employer and the North American Industry Classification System code applicable to the employer. Requires professional employer organizations to provide the physical address, North American Industry Classification System code, and number of employees of each client company to the DLIR. (HB1497 HD1)</p> |       | (H ) <a href="#">2/18/2015</a> - Re-referred to LAB, FIN, referral sheet 20                                    | NAKASHIMA   | LAB, FIN |           |
|    | <p><a href="#">SB129 SD1</a></p> <p><u>Labor; Sick Leave; Service Workers</u><br/>RELATING TO LABOR.</p> <p>Requires certain employers to provide sick leave to service workers for specified purposes under certain conditions. Defines service workers and employers. Effective January 7, 2059. (SD1)</p>   |       | (S ) <a href="#">2/20/2015</a> - Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM. | KEITH-AGARAN, SHIMABUKURO, TOKUDA, Baker                    | JDL, WAM |           |
|  | <p><a href="#">SB355</a></p> <p><u>Restrictive Covenants or Agreements; Covenants not to Compete; Employees and Employers</u><br/>RELATING TO RESTRAINTS OF TRADE.</p> <p>Prohibits post-employment restrictive covenants or agreements executed by an employee or agent after the commencement of employment as a condition of employment or continued employment.</p>  |       | (S ) <a href="#">2/5/2015</a> - The committee on CPN deferred the measure.                                     | GABBARD, ESPERO, Green, Harimoto, Keith-Agaran, Shimabukuro | CPN, JDL |           |

20150223 SHRM Hawaii Bill Tracking




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|    | <p><a href="#">SB766</a></p> <p><u>Workers' Compensation; Independent Medical Examination</u><br/>RELATING TO WORKERS' COMPENSATION.</p> <p>Requires that a physician selected and paid for by an employer to conduct a medical examination for workers' compensation purposes shall be actively treating at least ten patients in a one-month period; be actively treating at least 50 per cent of the physician's total patient load in a one-month period; and possess medical malpractice insurance. Defines "actively treating".</p> |       | <p>(S ) <a href="#">2/18/2015</a> - Report adopted; Passed Second Reading and referred to JDL.</p>                    | SHIMABUKURO, CHUN OAKLAND, Ihara | HTH, JDL     | HB215     |
|    | <p><a href="#">SB803 SD1</a></p> <p><u>Workers' Compensation; Impartial Physician; Exam; Appropriation</u><br/>RELATING TO WORKERS' COMPENSATION.</p> <p>Requires a workers' compensation impartial exam to be conducted by a doctor whose specialty is appropriate for the injury to be examined in cases where the director of labor and industrial relations appoints a doctor to conduct an exam. Appropriates funds for the purpose of this measure. Effective 01/07/2059. (SD1)</p>   |       | <p>(S ) <a href="#">2/20/2015</a> - Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.</p> | GREEN                            | JDL/HTH, WAM |           |
|  | <p><a href="#">SB903</a></p> <p><u>Paid Leave; Parents; School Conferences; Early Intervention Services</u><br/>RELATING TO EMPLOYEE LEAVE.</p> <p>Requires government employers to provide employees paid leave to attend parent-teacher, parent-caregiver, or early intervention services conferences. Adds early intervention services conferences to the list of conferences for which government employees shall be eligible to receive paid leave to attend.</p>  |       | <p>(S ) <a href="#">1/28/2015</a> - Referred to JDL, WAM.</p>   | CHUN OAKLAND                     | JDL, WAM     |           |




20150223 SHRM Hawaii Bill Tracking

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|  | <p><a href="#">SB965</a></p> <p><u>Family Leave Trust Fund; Family Leave Insurance Benefits; Appropriation</u><br/>RELATING TO EMPLOYMENT.</p> <p>Establishes a family leave insurance program, which requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person. Appropriates funds to DLIR to implement the program.</p> |       | (S ) <a href="#">1/28/2015</a> - Referred to HSH/JDL, WAM. | CHUN OAKLAND, IHARA, Baker, Espero, Galuteria                  | HSH/JDL, WAM | HB496     |
|  | <p><a href="#">SB1012</a></p> <p><u>Employer Liability; Discriminatory Practices</u><br/>RELATING TO EMPLOYMENT.</p> <p>Allows an employee who has suffered a tangible adverse employment action resulting from a supervisor's discriminatory actions to sue the employee's employer. Allows an employer to raise an affirmative defense.</p>  |       | (S ) <a href="#">1/28/2015</a> - Referred to JDL.          | KEITH-AGARAN, GALUTERIA, Dela Cruz, English, Kouchi, Nishihara | JDL          | HB684     |
|  | <p><a href="#">SB1025</a></p> <p><u>Paid Sick Leave</u><br/>RELATING TO MANDATORY SICK LEAVE.</p> <p>Requires employers to provide a minimum amount of paid sick leave to employees to care for themselves or a family member who is ill, needs medical care, or is a victim of domestic violence, sexual assault, or stalking.</p>  |       | (S ) <a href="#">1/28/2015</a> - Referred to JDL, WAM.     | CHUN OAKLAND, Keith-Agaran                                     | JDL, WAM     | HB1047    |

20150223 SHRM Hawaii Bill Tracking

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|    | <p><a href="#">SB1174 SD1</a></p> <p><u>Workers' Compensation; Medical Examination</u><br/>RELATING TO WORKERS' COMPENSATION.</p> <p>Provides that an independent medical examination and permanent impairment rating examination shall be conducted by a qualified physician selected by the mutual agreement of the parties. Provides a process for appointment in the event that there is no mutual agreement. (SD1)</p>  |       | <p>(S ) <a href="#">2/18/2015</a> - Report adopted; Passed Second Reading, as amended (SD 1) and referred to JDL.</p>                         | GREEN, Espero, Riviere, Ruderman | HTH, JDL |           |
|    | <p><a href="#">SB1213</a></p> <p><u>Public Safety; Workplace Violence; Restraining Orders</u><br/>RELATING TO PUBLIC SAFETY.</p> <p>Allows an employer to seek a temporary restraining order and injunction against further harassment of an employee or invitee who may be harassed in connection with a worksite.</p>  |       | <p>(S ) <a href="#">2/10/2015</a> - The committee(s) on JDL deferred the measure until 02-26-15 9:15AM in conference room 016.</p>            | TOKUDA, KEITH-AGARAN             | JDL      | HB1269    |
|  | <p><a href="#">SB1219 SD1</a></p> <p><u>Employment Security; Independent Contractor</u><br/>RELATING TO EMPLOYMENT SECURITY.</p> <p>Allows the department of labor and industrial relations to set criteria for independent contractor status. Establishes criteria for when the department shall presume an individual is an independent contractor. Requires the department to certify independent contractors. Allows independent contractors to provide a written copy of certification to each customer. Places the burden of proving an employee-employer relationship on the certified independent contractor if the contractor files an unemployment insurance benefits claim against a customer. Effective January 7, 2059. (SD1)</p> |       | <p>(S ) <a href="#">2/20/2015</a> - The committee(s) on CPN will hold a public decision making on 02-26-15 9:30AM in conference room 229.</p> | BAKER, Kidani, Wakai             | JDL, CPN | HB1213    |

20150223 SHRM Hawaii Bill Tracking

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|  | <p><a href="#">SB1269</a><br/> <u>Personal Account; Privacy; Employment</u><br/>                     RELATING TO SOCIAL MEDIA.</p> <p>Prohibits employers from requiring or requesting employees and potential employees to grant access to personal account usernames and passwords.</p> |       | <p>(S ) <u>1/29/2015</u> - Referred to JDL.</p> | <p>ESPERO, Gabbard, Nishihara,<br/>                     Shimabukuro, Slom</p> | <p>JDL</p> | <p>HB561</p> |