

SENATE JOURNAL - STANDING COMMITTEE REPORTS

SCRep. 272 Education, Labor and Employment on S.B. No. 880

The purpose of this bill is to repeal the obligation of the State and counties to make up any shortfall in the earnings of the Employees' Retirement System.

Your Committee has amended this bill by deleting the contents and inserting provisions that:

- (1) Grant retirants credit for prior military service;
(2) Increase from eight to ten the number of credited years of service required to be eligible for military credit;
(3) Increase from four to five the total number of years of active military service that may be credited towards retirement, including fractions of years; and
(4) Repeal the buy-back provision for military service.

Your Committee finds that this measure will provide appropriate opportunities for public employees and retirants to receive credit for time spent in service to their country.

Your Committee on Education, Labor and Employment is in accord with the intent and purpose of S.B. No. 880, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 880, S.D. 1, and be referred to the Committee on Ways and Means.

Signed by all members of the Committee.

SCRep. 273 Education, Labor and Employment on S.B. No. 1363

The purpose of this bill is to amend the Uniform Information Practices Act (Modified), "UIPA", to clarify what individually identifying information about employee misconduct may be disclosed upon request, and at what stage of the disciplinary process such disclosure may occur.

Your Committee finds that the UIPA is intended to be a comprehensive public records law that applies to all state and county agencies and which promotes governmental accountability through public access to government records on the one hand while recognizing certain constitutional rights to privacy on the other. Your Committee is aware that the UIPA is a dynamic law and as various situations arise to test its applicability, the fine balance between the public's right to know and an individual's right to privacy is also tested.

Your Committee is also aware that one of the pressing issues of government accountability is the disclosure of employment-related misconduct by its government employees. Your Committee received testimony both in support of and in opposition to this measure and considered the concerns expressed by all those testifying. In the spirit of compromise, your Committee has amended this bill by providing that disclosure of information for employment-related misconduct shall be as follows:

"For employment-related misconduct resulting in an employee's suspension or discharge, the following information shall be disclosed thirty calendar days after a written decision sustaining the suspension or discharge is rendered at the highest level of non-judicial grievance procedure timely invoked by the employee or the employee's collective bargaining agent: the name of the employee; the name of the complainant; the nature of the employment-related misconduct; the agency's summary of the allegations of misconduct; findings of fact and conclusions of law; and the disciplinary action taken by the agency against the employee; provided that this subparagraph shall not apply to police officers;"

Your Committee on Education, Labor and Employment is in accord with the intent and purpose of S.B. No. 1363, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1363, S.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 274 Education, Labor and Employment on S.B. No. 1422

The purpose of this bill is to strengthen and clarify the law relating to family leave.

Specifically, the bill provides for employee notification of the provisions of Chapter 398, Hawaii Revised Statutes; employer record keeping; complaint filing; investigation and conciliation; appeals and hearings; civil actions; remedies; penalties; compliance review; and rulemaking.

In addition the bill clarifies the definitions of "child," "employee," and "parent," the exclusion of employers with less than one hundred employees, and enforcement of the chapter.

Chapter 398 was enacted to grant employees of large employers the right to take time off from work without pay while attending to essential family matters, and is slated for initial application commencing January 1, 1994.

Your Committee finds that the intent of this bill is for the most part already addressed by the current provisions of Chapter 398. Therefore, your Committee has amended this bill by deleting its contents and amending Act 328, Session Laws of Hawaii 1991, the Act that established Chapter 398, to defer implementation of Chapter 398 until July 1, 1994, in anticipation of changes arising from impending federal legislation.

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