

LEGISLATIVE Digest



JANUARY 28, 2012

2012 – Employment Bills Introduced

Employment Practices and Employment Rights

SB 2202 **Discrimination Against Unemployed Individuals** – Prohibits employers from advertising
HB 1680 HD1 it will not consider unemployed applicants for available positions. HB 1680 HD1 also
prohibits employers from discriminating against unemployed persons.

SB 2220 **Boiler and Elevator Special Fund** – Establishes the elevator and boiler special fund. Sets
SB 2837 fees for inspections and permitting. Authorizes an additional 10 positions in DLIR,
HB 2575 including elevator and boiler inspectors. Appropriates \$1 million for startup costs.

SB 2313 **Dept. of Human Services, Background Checks** – Requires the Dept. of Human Services
HB 2195 to allow public access to conduct child and vulnerable adult abuse perpetrator checks for
employment, volunteer, licensure, and certification purposes.

SB 2401 **Third Party Elevator Inspectors** – Authorizes DLIR to hire third-party elevator
inspectors when a timely elevator inspection by DLIR elevator inspectors is not feasible.

SB 2411 **Leave of Absence; Organ, Bone Marrow, or Peripheral Blood Stem Cell Donation** –
HB 2680 Requires employers with 15 or more employees to allow employees to take paid leaves of
absence:

- 7 days/year for a bone marrow donor or a peripheral blood stem cell donor
- 30 days/year for an organ donor

Provides that such leave may not be taken concurrently with FMLA leave. Permits employers to require employees to take up to 3 days of sick leave, vacation, or PTO for bone marrow or peripheral blood stem cell donation and up to 2 weeks of sick leave, vacation, or PTO for organ donation, unless this conflicts with CBA rights. Establishes a private right of action for employees seeking enforcement of provisions.

SB 2487 **Abusive Work Environment** – Creates a new part within Chapter 396 (HIOSH) to hold employers liable for “abusive conduct” by:

- Creating a HIOSH violation,
- Mandating WC coverage, and
- Permitting emotional distress claims against employers who directly commit abusive conduct or whose workplace is an abusive work environment.

Defines “abusive conduct” as including repeated verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of a person’s work performance; or interference with subsequent work opportunities by defamatory evaluation.

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- SB 2507 **Paid Sick and Safe Leave** – Requires employers to provide 1 hour of paid sick and safe
HB 2089 leave for every 30 hours an employee works. The maximum leave is 40 hours for small businesses (less than 10 employees) and 72 hours for large businesses each calendar year. Employees may use the leave for their own illness, to care for a family member, upon the public health emergency closure of the employee’s workplace or the employee’s child’s school or place of care, or absence due to domestic violence, sexual assault or stalking. Permits employers to request reasonable documentation for leave more than 3 consecutive days, but requires employers to pay for employees’ out-of-pocket expenses for doctor’s notes.
- SB 2573 **Breastfeeding** – Requires an employer with 20 or more employees to make reasonable
HB 2228 efforts to provide a clean location for breastfeeding employees to express breast milk in privacy. Requires covered employers to post a notice pertaining to this provision in a conspicuous location. Establishes a civil fine of \$___ for noncompliance.
- HB 1725 **Private Elevator Inspectors; General Fund** – Authorizes private elevator inspections. Requires fees for mandatory inspections required by Section 397-5 to be deposited into the general fund.
- HB 1979 **Private Elevator Inspectors; Special Fund** – Authorizes private elevator inspections. Creates an elevator inspection audit special fund. Replaces DLIR’s elevator inspection responsibility to instead audit the inspections of private inspectors.
- HB 2028 **Workplace Violence; Injunction** – Permits employers and employees to get a TRO or a permanent injunction to address workplace violence.
- HB 2077 **HIOSH; Crowd Management Safety Plans** – Requires employers to adopt crowd management safety plans for events where large crowds are expected to gather, such as at retail sales events. Requires DLIR to adopt rules.
- HB 2283 **Domestic Violence Status Discrimination** – Prohibits employment discrimination because of domestic violence victim status.
- HB 2364 **Hawaii Family Leave; Sibling** – Extends Hawaii Family Leave to cover care for a sibling.

Wage and Hour

- SB 2203 SD1 **Minimum Wage** – Increases minimum wage to \$7.75 on January 1, 2012 and \$8.25 on July 1, 2013.
- SB 2637 **Pension Upon Disability** – Amends Chapter 388 to permit a vested employee access to
HB 2743 his/her pension upon suffering a disability, regardless of the employee’s age. Also amends Section 386-89 to permit the Director of DLIR to reopen WC cases after settlement if settlement was obtained by exerting undue influence over any party or as a result of the disability or mental incompetence of the employee.
- SB 2839 **Definition of Wages** – Amends definition of “wages” in the Payment of Wages Law to
HB 2577 include vacation or personal time off. Continues to permit employers to avoid paying vacation and PTO upon separation of employment by written agreement or by employer practice.

- HB 1679 **Pay Notices; Penalties** – Requires employers to post its violations of wage and hour laws in employee areas and if the violation is willful, then also for general public viewing. Increases fines for willfully hindering the Director’s enforcement of Section 387 to a maximum of \$5,000 (instead of \$500) and imprisonment for up to 1 year (instead of 90 days). For every subsequent offense committed within 6 years, employer will be guilty of a class C felony with a fine between \$500 and \$20,000. Prohibits retaliation against an employee who complains about wage and hour violations. Requires employers to provide upon hire and annually a notice of the pay rate, any minimum wage allowances (e.g., tip, meal, lodging), employer name, address, telephone number and other material information. The notice must be in English and in the primary language of the employee. Requires employers to provide certain information on each paycheck, including the rates of pay and basis thereof (e.g. hourly, shift, day, week, salary, piece, or commission). Mandates the employer provide a written explanation of how wages were computed, upon employer request. Provides for an automatic 15% penalty for judgments remaining unpaid for 90 days. If the employer fails to comply with an order for 10 or more days after the appeal period expires, the Director may require the employer to provide an accounting of its financial assets or be subject to a civil penalty no more than \$10,000.
- HB 1681 **Domestic Workers** – Requires overtime and mandates a 24 consecutive hours of rest period each week for domestic workers. Prohibits an employer from engaging in sexual, gender, race, religion or national origin harassment against a domestic worker.
- HB 1691 **Minimum Wage** – Increases minimum wage to \$8.14 on January 1, 2013 and to the federal poverty level for a 2-person family in Hawaii on July 1, 2013.
- HB 1699 HD1 **Meal Break** – Requires a 30-minute meal break after 5 consecutive hours of work or pay time-and-a-half for the missed meal break. Excludes CBAs that expressly provide for meal breaks.

Unemployment Insurance (“UI”)

- SB 2586 **Administrative Rules; National Guard** – Requires DLIR to update UI rules for national guard members by Jan. 1, 2013. (Currently, DLIR incorrectly requires DD Form 214 from national guard members instead of the correct NGB form 22).
- HB 1937
- SB 2614 **Taxable Wage Base** – Reduces the taxable wage base for unemployment taxes to wages of no more than \$7,000.
- SB 2838 **Rate Determination Appeal Procedure** – Amends the procedure for rate determination to clarify that the department’s determination must be appealed to the referee and not directly to circuit court.
- HB 2576
- SB 2847 **Interest Payment** – Authorizes the DLIR director to increase the employment and training assessment in increments of .01 per cent retroactive to January 1, 2012, for payment of interest on federal loans for unemployment insurance benefits.
- HB 2585
- SB 2956 **Alternative Base Period; Repeal** – Eliminates the “alternative base period” provision for UI claims. “Alternative base period” is currently defined as the four completed calendar quarters immediately preceding the first day of the person’s benefit year.

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- SB 3018 **Weekly Benefit Amounts; Contribution Rate Schedules; Unemployment Compensation Fund** – Sets the employer contribution rate at schedule F for calendar years 2012 and 2013. Makes available a \$20 million line of credit of general revenues for the unemployment compensation fund between 03/01/12 and 06/01/13. Leaves the 70% average weekly wage rate for the maximum weekly benefit amount untouched. Requires the general fund to be repaid for all general revenues loaned to the unemployment compensation fund before June 29, 2013. Applies retroactively to January 1, 2012.
- SB 3027 **UI Benefits, Contribution Rate** – Extends the 75% maximum weekly benefit amount to end Dec. 31, 2012 (instead of Dec. 31, 2011). Extends the schedule F contribution rate to 2012 (instead of allowing the automatic increase to schedule H). Allows the UI fund to take up to a \$20 million loan from the general funds but requires repayment by June 29, 2013 without interest. *Effective January 1, 2012 (retroactive).*
- HB 2096
- HB 812 HD1 **UI Compensation; Income Tax Exemption** – Temporarily exempts unemployment compensation from Hawaii’s income tax.
- HB 2024 **Self-Employment Assistance Benefits** – Permits unemployed individuals to obtain self-employment assistance in lieu of regular UI benefits. Provides that such claimants need not look for work, actively seek work, or be penalized for refusing to accept suitable work. The UI self-employment assistance benefits are not reduced due to any income earned from self-employment. Caps the number of claimants permitted to receive self-employment assistance at 5% of the regular UI benefit participants.
- HB 2025 HD1 **Work-Sharing** – Through a “work-sharing plan” that must be approved by the Director, claimants may work reduced hours in lieu of “temporary layoffs” (lasting 2 to 6 months) and still receive UI benefits. The benefit amount is equal to the regular weekly benefit amount times the percentage reduction in the individual’s usual weekly hours of work.
- HB 2224 **UI Benefits, Contribution Rate** – Extends the 75% maximum weekly benefit amount to end Dec. 31, 2012 (instead of Dec. 31, 2011). Extends the schedule F contribution rate to 2012 (instead of allowing the automatic increase to schedule H). Extends the 90% average annual wage through 2012. *Effective January 1, 2012 (retroactive).*
- HB 2264 **UI Benefits, Contribution Rate** – Sets the UI contribution rate schedule at schedule F (instead of H) for calendar years 2012 and 2013. Retains the maximum weekly benefit rate for unemployment at 75% of the average weekly wage (instead of 70%) until Dec. 31, 2013. Increases the maximum contribution rate to 6.6% (instead of 5.4%), effective January 1, 2013.

Workers’ Compensation (“WC”)

- SB 2204 **Fee Schedule** – Increases the fee schedule to 130% (instead of 110%) of the Medicare
HB 2152 Resource Based Relative Value Scale applicable to Hawaii.
- SB 2523 **Subrogation; Premiums** – Allows a WC insurer to exercise subrogation rights against a third party that causes a compensable injury. Clarifies limits of reserves for the claim. Prohibits premiums from rising on the claim in excess of the estimated net subrogated claim.

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- SB 2844 **DLIR Appeals Board; Special Fund** – Creates a DLIR appeals board special fund to pay operating costs of the appeals board. Authorizes reasonable fees and costs for filing WC appeals to the appellate board.
HB 2582
- SB 2845 **Medical Treatment; Decisions; Denial of** – Requires the Director of DLIR to make decisions on disputes regarding treatment plans and continued medical services without a hearing.
HB 2583
- SB 2846 **Notice of Insurance** – Allows the Director to accept the notice of employer’s WC insurance from approved third party agencies.
HB 2584
- SB 2848 **DCD Special Funds** – Amends Chapter 386 by establishing a Disability Compensation Division Special Fund. Authorizes DCD to establish reasonable fees for the issuing of subpoenas and filing of first injury reports.
HB 2586
- HB 463 HD 2 **Subspecialty Diagnosis; No Employer Contest** – Clarifies that a physician or surgeon may conduct one diagnostic testing or engage in a one-time consultation for a subspecialty diagnostic evaluation and treatment recommendations from a board certified or licensed specialist. Prohibits employers from contesting the request for or provision of diagnostic services. Allows for the one-time consultation to be referred to a board certified or licensed specialist working in a facility in which a physician or surgeon may have a financial interest.
(CARRYOVER)
- HB 466 HD3 **Independent Medical Exams; Mutual Agreement** – Requires independent medical examinations and permanent impairment rating examinations for workers’ compensation claims be performed by physicians mutually agreed upon by employers and employees. If parties cannot agree, the DLIR director may appoint the physician. Prohibits combining the IME and permanent impairment rating examination into a single medical examination unless the employee consents in writing.
(CARRYOVER)
- HB 2099 **Attorney’s Fees** – Permits recovery of attorney’s fees (in addition to costs that is already provided in the statute) for all claims brought, prosecuted, or defended without reasonable ground.

Health and Insurance

- SB 2084 SD1 **Mammogram Coverage** – Requires insurance coverage for annual mammograms for those over 40 years old without a physician referral.
HB 2035
- SB 2085 **HI Health Insurance Exchange** – Defines the “consumer” in the health insurance exchange board. Clarifies that the health insurance exchange board shall have geographic diversity consisting of representation from all islands.
HB 2114
- SB 2087 **Chemotherapy Coverage** – Requires health plans that provide coverage for cancer chemotherapy treatment to establish limits on out-of-pocket costs for cancer medications, including nongeneric, oral chemotherapy.
HB 1964

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- SB 2106 **Prescription Drugs** – Requires health insurers to provide outpatient prescription drug coverage. Prohibits health insurers from requiring coinsurance as a basis for cost sharing with the insured for outpatient prescription drug benefits. Limits the amount of copayments an insured must pay for prescription drugs to \$150 for a one-month supply.
- SB 2230 **Prepaid Health Advisory Council** – Increases the board members to 9 people (instead of
HB 2170 7) and adds representatives of health care provider organizations (e.g., hospitals) to the prepaid health care advisory council.
- SB 2434 **HI Health Insurance Exchange** – Specifies that the Hawaii health connector shall
HB 1736 HD1 establish separate risk pools to serve each the individual market and the small group market. Requires insurers that offer plans for the small group market to also offer plans for the individual market. Establishes staggered terms for board members. Clarifies qualifications of and restrictions on navigators. Clarifies role of DHS in determining Medicaid eligibility.
- SB 2472 **Patient-Centered Medical Homes** – Creates a new chapter to encourage the use of “patient-centered medical homes,” whose responsibilities include advocating for the patient and providing enhanced access to health care through open scheduling, expanded hours, and new options for communication. Appropriates \$___ to support qualified patient-centered medical homes as certified by the governor’s healthcare transformation coordinator or leadership team.
- SB 2603 **Autism Spectrum Disorders Coverage** – Mandates health insurance coverage for the
SB 2631 diagnosis and treatment of autism spectrum disorders.
HB 2074
HB 2405
- SB 2656 **Medical Torts; Medical Malpractice Insurance; Claims in Excess of Liability Limits** – Helps to limit insurer costs for medical tort claims by establishing a secondary source of payment called the “Injured Patients and Families Compensation Fund.” Insurers would be required to pay claims up to a liability limit, which is anywhere from \$1 million to \$3 million. Provides for assessment of fees and peer council review of claims paid.
- SB 2676 **Solicitation to Mainland Health Insurers** – Directs the insurance commissioner to solicit proposals from mainland health insurance companies to offer health insurance to Hawaii residents. Lowers the insurance premium tax to 2.5% (instead of 4.265%).
- SB 2665 **Insurance Premium Tax; Applicability to Mutual Benefit Societies and HMOs** – Makes the insurance premium tax of 4.265% applicable to mutual benefit societies and health maintenance organizations, but excludes fraternal benefit societies. Authorizes the insurance commissioner to adjust any inadequate rates for the managed care plans of mutual benefit societies and health maintenance organizations.
- SB 2810 **Employment Exemption, WC, TDI, Prepaid Health Care** – Excludes from the
HB 2548 definition of “employment” under the WC, TDI, and Prepaid Health Care Act statutes, domestic and day care services authorized by the Dept. of Human Services under the Social Security Act or when provided through state-funded medical assistance to individuals ineligible for Medicaid, when performed by an individual in the employ of a recipient of social service payments.

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- SB 2833 **Employment Exemption for Domestic Services; UI; WC; TDI; Prepaid Health Care** –
HB 2571 With regard to the “domestic in-home and community based services for persons with developmental and intellectual disabilities” exemption from the definition of “employment” in the UI, WC, TDI, and Prepaid Health Care Act statutes, the measure clarifies that the exemption includes such services when funded by state medical assistance to individuals ineligible for Medicaid.
- SB 2841 **TDI; Deadline for Submission of Employer Form** – Requires employers to provide
HB 2549 information on wages, hours, and duration of employment regarding an employee claiming disability benefits to an employee, upon request (in addition to an insurer). Increases the fine from \$10 to \$500 for failure to comply.
- SB 3036 **Health Insurance; Adopted Children** – Requires group health insurance plans to provide
dependent coverage for natural grandchildren adopted by or placed for adoption with plan participants or beneficiaries.
- HB 1822 **Hawaii Health Care Authority** – Establishes the Hawaii health care authority for
administrative purposes within the DOH to regulate private hospital rates and ensure the
containment of health care costs
- HB 1895 **Suspension of Certain Mandated Benefits** – Suspends the mandatory coverage for in
vitro fertilization and mental health benefits in health insurance policies issued or renewed
between the effective date of this Act and June 30, 2015. Requires instead those benefits
to be offered as options in such policies.
- HB 1896 **Medical Loss Ratio; Rate Regulation** – Temporarily establishes a higher medical loss
ratio for a tax-exempt mutual benefit society’s or health maintenance organization’s health
insurance plan than the ratio set under the federal Public Health Service Act. Requires,
when reviewing rate filings, the insurance commissioner to consider the medical loss ratio
of the filer. Repealed on December 31, 2014.
- HB 1958 **Dental Services** – Prohibits mutual benefit societies, HMOs, and dental service
organizations from requiring dentists who provide services to their subscribers to accept
fees set by a plan for any services, except for covered services.
- HB 2665 **Telemedicine** – Requires health insurers to provide coverage for telemedicine services.

Public Contracts

- SB 2028 **E-Verify** – Requires state/county goods and services contractors to use e-verify.
- HB 2318 **Small Businesses; Veterans; Disabled Veterans; Preferences** – Requires the
procurement policy board to adopt rules to promote Hawaii small businesses that include a
5% preference for small businesses, a 7% preference for veterans, and a 9% preference for
disabled veterans.

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- HB 2711 **Living Wage** – Amends Chapters 103 and 104 to require contractors to pay employees wages equal to annual poverty guidelines for a family of four in Hawaii (currently, \$25,710). Lowers threshold for compliance with service contract labor requirements from \$25,000 to \$5,000. Requires service contractors to allow their employees to have access to and join labor organizations.
- HB 2766 **Wage and Hour Law; Special Fund** – Establishes the Wage and Hour for Public Works Projects Special Fund and establishes and funds additional labor law enforcement specialist positions to assist the enforcement of Hawaii’s wage and hour law on public construction projects. Specifies a funding mechanism for the special fund and requires an annual report.
- HB 2802 **Employment Preference** – Establishes a preference to bidders who employ veterans with disabilities.

Miscellaneous

- SB 2071
HB 1765 HD1 **Criminal History Record Check for County Employees** – Permits the following to conduct a criminal history record check under Section 846-2.7: liquor commission and counties for those who work with vulnerable adults or senior citizens, fire department, EMS, emergency management positions and community volunteers. HB 1765 HD1 amends the look back period for convictions to 15 years (instead of 10 years).
- SB 2238 **Taxation, Act 155 (2010)** – Repeals Act 155, which required businesses to timely file the annual form G-49 or face complete forfeiture of any general excise tax benefits (e.g., tax exempt status, deductions, wholesale rates).
- SB 2278
HB 1995 **Human Trafficking Notice** – Requires “establishments” to post a DLIR-created poster a notice about resources to combat human trafficking. Defines “establishment” as a liquor license holder, an airport, a hospital, HMO, clinic, urgent care center, farm, or job recruitment center.
- SB 2317
HB 2188 **Caregiver Tax Credit** – Authorizes a small businesses tax credit for ___% of payroll costs for providing caregiver leave so employees can care for elderly or disabled relatives. Defines “small business” as a for-profit company with less than 100 employees.
- SB 2329 **Income Tax; TET; Use Tax; Exemptions** – Repeals income tax code for taxable years beginning after December 31, 2012. Makes up the revenue loss by increasing the excise and use taxes and repealing exemptions on the state excise and use taxes for value received after June 30, 2013. Example: Proposes to eliminate the exemption for business leagues, hospitals, insurance policies, and wage and benefit costs of a hotel owner paid to hotel operator. Also deletes the payroll cost exemption for professional employment organizations.
- SB 2389
HB 2047 **Identity Theft; Personal Information** – By January 1, 2014, requires businesses to implement a comprehensive, written policy and procedure to prevent identity theft, and to designate an employee to be responsible for protecting personal information. Requires businesses to train all employees in the implementation of the policy and procedure. Sets a fine of up to \$100 for each violation.

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- SB 2392 **Professional and Vocational Licensing; Military Education, Training, and Service** –
HB 2258 Requires professional and vocational licensing boards to accept military education, training, and service towards the qualifications of a license. Requires the boards to adopt rules.
- SB 2395 **Licensing; Military Spouses** – Requires licensing boards to: (1) allow applicants to demonstrate competency in lieu of work experience required; and (2) establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses.
HB 2257
- SB 2424 **Professional Employer Organization Licensure** – Expands Chapter 373L by adding powers and duties to the DLIR regarding the registration and regulation of professional employer organizations (“PEO”). Creates a PEO special fund to manage the registration and regulation of PEOs. Requires PEOs to report to DLIR when it is found liable for personal injury, property damage, or loss. Authorizes the Director to deny, suspend, revoke, or deny renewal of a PEO registration for noncompliance with the chapter or for fraud or dishonest dealings. Requires Director to establish certain mandatory provisions in PEO contracts with clients such as timely payment of wages, withholding of taxes, and payment of taxes by PEOs. Increases the bond requirement from \$250,000 to
- \$500,000 for PEOs with less than 100 employees or PEOs with no prior experience.
 - 5% of the organization’s prior year’s total wages, benefits, WC premiums, and UI compensation contributions for all other PEOs.
- SB 2588 **Statute of Limitations; Sexual Offenses Against Minors** – Extends statute of limitations (“SOL”) in for sexually abused minors to sue a legal entity if it owed a duty of care to the sexually abused minor or the legal entity had a degree of responsibility or control over the activity which the person and abused minor were engaged. Damages awarded only if the legal entity was grossly negligent. SOL is 8 years from date plaintiff or the perpetrator turns 18, whichever is later or 3 years after the date plaintiff discovers or reasonably should have discovered psychological injury occurring after turning 18 was caused by the sexual abuse.
HB 1933
HB 2139
- SB 2571 **Civil Unions** – Clarifies the applicability of Act 1 (2011) (Civil Unions) to certain statutory provisions. With regard to employment, the measure amends Section 378-2 to prohibit discrimination based on civil union status (in addition to marital status). Also makes clear the duration between termination of reciprocal beneficiary status to civil union impacts whether rights/benefits are continuous. If less than 30 days elapses, rights/benefits are continuous. If 30 days or more elapses, rights/benefits are not continuous and any waiting period normally applicable may be applied.
- SB 2703 **Child Support** – Requires employers to report the “date services for remuneration were first performed” to the Child Support Enforcement Agency through the new hire reporting process. Also mandates employers receiving the notice of medical support to transfer the notice to the appropriate health care insurer within 20 business days.
HB 2441
- SB 2716 **Hawaii Criminal Justice Data Center; Rap Back Program** – Allows programs authorized in section 846-2.7(b) to obtain criminal history record checks on employment and licensing applicants to participate in the rap back program.
HB 2454

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- SB 2831 **Civil Unions** – Permits persons who are part of a reciprocal beneficiary relationship to be eligible for a civil union partnership. Once the civil union license is issued, any existing reciprocal beneficiary relationship will automatically terminate. Makes clear that persons in a reciprocal beneficiary relationship in Hawaii cannot enter into a civil union relationship in another state, unless the existing reciprocal beneficiary relationship is first terminated.
- HB 2569
- SB 2835 **Apprenticeship** – Conforms Hawaii’s apprenticeship law to the federal apprenticeship regulations, which took effect on Dec. 29, 2008.
- HB 2573
- SB 2801 **Child Care Providers; Adult Abuse Perpetrator Checks** – Allows the Department of Human Services to conduct adult abuse perpetrator checks on child care providers who are exempt from licensing and registration pursuant HRS § 346-152 who care for children that receive child care subsidies from the department, and on prospective applicants, and licensed child care providers.
- HB 2539
- SB 2871 **CDL; Texting** – Prohibits driving a commercial motor vehicle without a commercial driver’s license in the driver’s possession. Also prohibits texting while operating a commercial motor vehicle.
- HB 2609
- SB 2961 **Statute of Limitations; Sexual Abuse Against Minors** – Eliminates the SOL for civil actions brought by persons subjected to sexual abuse as a minor. Permits claims against the legal entity if the entity owed a duty of care to the victim *or* the accused and the minor were engaged in an activity over which the legal entity had some degree of responsibility or control.
- HB 944 HD1 **Motor Vehicle Insurance; Covered Loss Deductible** – Excludes benefits paid or incurred under the workers’ compensation law from the covered loss deductible.
- HB 2095 **Taxation; Employee Benefits; Deduction** – Limits the amount an employer may deduct for employee benefits costs to 50 times the State’s median household income.
- HB 2146 **Tax Credit; Veterans** – Creates a tax credit equal to the IRC tax credit for the employment of a qualified veteran.
- HB 2203 **Job Creation Tax Credit** – Provides for a tax credit equal to the amount UI taxes paid to the State for each eligible employee hired after April 30, 2012 and before May 1, 2013, into a new permanent FT position created above the base employment level. Conditions for claiming the credit include:
- Employing person for at least 9 months (exceptions: death or for cause termination)
 - Employing same number of FT employees as the time employee was hired
 - Continue substantial operations in State for 2 years or face 50% forfeiture of prior credit
- HB 2294 **Digital Media; Tax Credit Cap; Workforce Development** – Establishes a cap per taxpayer on digital media tax credits. Places a monetary amount on the contributions and workforce development efforts that are required to qualify for the tax credit. Authorizes the DLIR to implement and operate media production training programs.

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- HB 2312 **Good Samaritan; Defibrillators** – Relieves Good Samaritans who perform CPR in good faith to victims in a “perceived medical emergency” (instead of “immediate danger of loss of life”) from civil damages. Defines “perceived medical emergency” as circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.”
- HB 2332 **Child Support; Employer Penalties for Noncompliance** – Provides a penalty of maximum \$500 for first occurrence and \$1,000 for each subsequent occurrence for an employer’s failure to comply with a child support order.
- HB 2346 **Professional Employer Organizations** – Makes clear that PEOs and the client companies are both liable for violation of labor and employment laws, including chapters 377 and 378. Provides a tax exemption for client payments to PEOs for wages, payroll taxes, and benefits, except when the PEO fails to pay taxes or legally required benefits. Creates a special fund.
- HB 2355 **Texting; Driving** – Prohibits texting while operating a motor vehicle. Creates an affirmative defense for (1) reporting or obtaining care for medical/safety emergencies; or (2) performance of duties as a law enforcement or emergency personnel, driver of authorized emergency vehicle, or a properly licensed operator of a commercial vehicle. Sets a maximum fine of \$100 for each violation.
- HB 2427 **Tax Credit; Insurance for National Guard** – Provides employers with a tax credit for maintaining employee insurance coverage for national guard members on active duty. Incorporates by reference USERRA protections to national guard members.
- HB 2636 **Moving Violation Records** – Beginning Dec. 1, 2012, moving violations that were “dismissed with prejudice” or “not guilty, or which occurred more than 10 years prior, shall be excluded from the traffic abstract, except for CDL licenses.
- HB 2655 **Workforce Investment Act; State-Funded Training Program** – Requires DLIR to operate a training program to address training needs of unemployed/underemployed workers, veterans, persons with disabilities, non-native English speakers, homeless persons, and persons recently released from incarceration.
- HB 2701 **Civil Unions** – Clarifies transition from termination from reciprocal beneficiary relationship to civil union partnership:
- Simultaneous transition – rights are continuous
 - Less than 30 days – rights are continuous
 - 30 or more days – rights not continuous
- Amends HRS § 378-2 to prohibit discrimination because of civil union status (in addition to marital status).
- HB 2863 **Hiring Incentive Tax Credit** – Provides for a job creation income tax credit to businesses for hiring employees laid off between October 31, 2011 and February 1, 2012. The credit is equal to a fraction of the Federal Insurance Contributions Act taxes that businesses will pay on the newly-hired employees.