

HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

February 11, 2020
Rm. 309, 9:10 a.m.

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Stacelynn K.M. Eli, Vice Chair
Members of the House Committee on Labor and Public Employment

From: William D. Hoshijo, Executive Director, Hawai‘i Civil Rights Commission
and Robin Wurtzel, Chief Counsel, Hawai‘i Civil Rights Commission

Re: H.B. No. 1980

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

If enacted, H.B. No. 1980 will add a new section to chapter 378, requiring all employers to notify their employees in writing of the availability of the federal and state earned income tax credits. **HCRC Commissioners have not taken a position on the merits of the bill, so HCRC staff offers comments only, on placement of the proposed new section in the HRS.** We note that the bill places the new section in HRS chapter 378, but does not designate in which part it should be placed. If passed, this new section should certainly not be placed in HRS chapter 378, part I, because it does not have anything to do with prohibited discriminatory practices, which fall under HCRC jurisdiction. We suggest that a new requirement relating to notification of the existence of an earned income tax credit would be more appropriately placed in HRS chapter 235 regarding taxation.



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321

HONOLULU, HAWAII 96813

www.labor.hawaii.gov

Phone: (808) 586-8844 / Fax: (808) 586-9099

Email: dlir.director@hawaii.gov

February 11, 2020

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Stacelynn K.M. Eli, Vice Chair, and
Members of the House Committee on Labor and Public Employment

Date: Tuesday, February 11, 2020

Time: 9:10 a.m.

Place: Conference Room 309, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1980 RELATING TO THE EARNED INCOME TAX CREDIT

I. OVERVIEW OF PROPOSED LEGISLATION

HB1980 inserts a new Section into Chapter 378, Hawaii Revised Statutes (HRS), to require employers to notify workers in writing of the availability of earned income tax credits under both State and Federal laws.

DLIR supports the intent of this measure and proposes an amendment.

II. CURRENT LAW

Chapter 378 "Employment Practices" contains seven parts with different remedies, ranging from enforcement by the Hawaii Civil Rights Commission or the DLIR to a private right of action. The DLIR notes that recent amendments to Chapter 378 have included a private right of action as a remedy due to the resource constraints of the Department. The exception to this is amendments made to Chapter 378, Part I "Discriminatory Practices" that is enforced by the Hawaii Civil Rights Commission.

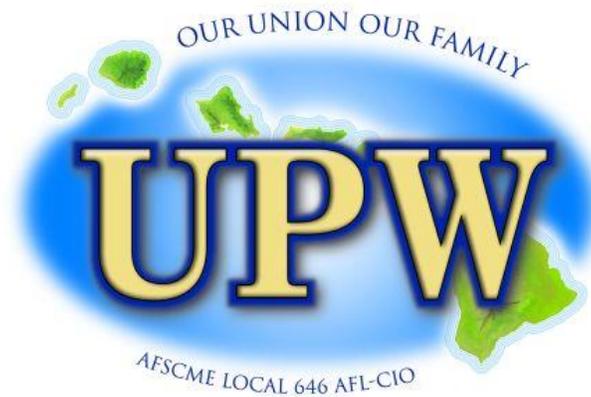
The following are the Parts of Chapter 378:

- I. Discriminatory Practices
- II. Lie Detector Tests
- III. Unlawful Suspension or Discharge

- IV. Fair Representation
- V. Whistleblowers' Protection Act
- VI. Victims Protections
- VII. Opportunity to Express Milk

III. COMMENTS ON THE HOUSE BILL

The insertion of this provision into an undetermined Part of Chapter 378 leaves the placement to the Reviser of Statutes. The DLIR suggests that due to the various remedies in the chapter, the Legislature should identify a Part of 378 in which to insert the contents of the measure, depending on the remedy sought. Alternatively, the DLIR suggests inserting the provision into Chapter 235, which is the Income Tax Law and more appropriate.



THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Thirtieth Legislature
Regular Session of 2020

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Representative Aaron Ling Johanson, Chair
Representative Staceylynn K. M. Eli, Vice Chair

Date of Hearing: Tuesday, February 11, 2020
Time of Hearing: 9:10 a.m.
Place of Hearing: Conference Room 309
State Capitol
415 South Beretania Street

**TESTIMONY IN SUPPORT OF HB 1980 RELATING TO EARNED INCOME TAX
CREDIT**

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 13,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector

HB1980 requires all employers to notify their employees in writing of the availability of the federal and state earned income tax credits.

The UPW supports this measure. Thank you for the opportunity to submit this testimony.

The Thirtieth Legislature
Regular Session of 2020

HOUSE OF REPRESENTATIVES
Committee on Labor and Public Employment
Rep. Aaron Ling Johanson, Chair
Rep. Stacelynn K.M. Eli Vice Chair
State Capitol, Conference Room 309
Tuesday, February 11, 2020; 9:10 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1980
RELATING TO THE EARNED INCOME TAX CREDIT**

The ILWU Local 142 supports H.B. 1980 which requires all employers to notify their employees in writing of the availability of the federal and state earned income tax credits.

The earned income tax credit (EITC) helps many working families in the state of Hawaii. Unfortunately, many workers are unaware they can claim the EITC when they file their taxes. H.B. 1980 will hopefully rectify that situation.

The ILWU recommends passage of H.B. 1980. Thank you for the opportunity to testify.

HB-1980

Submitted on: 2/9/2020 5:05:54 PM

Testimony for LAB on 2/11/2020 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

The state should also reimburse small companies to send their employees to a quarterly tax workshop. When people better understand things, people will respond to things better.