

STAND. COM. REP. NO.

947

Honolulu, Hawaii

MAR 23 2015

RE: H.B. No. 952  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 952, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC  
WORKS LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to provide that the  
name of a complainant in a prevailing wage claim be withheld from  
the employer unless prior permission to release the name is given  
by the complainant.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations and Hawaii  
Building and Construction Trades Council, AFL-CIO. Your Committee  
received comments on this measure from the General Contractors  
Association of Hawaii.

Your Committee finds that extending confidentiality to the  
complainant in a prevailing wage claim would encourage the timely  
reporting of alleged violations by lessening concerns over  
employer retribution.

Your Committee further finds that a prevailing wage  
investigation generally requires a review of up to three years of  
payroll records. Accordingly, your Committee has amended this  
measure by:



- (1) Inserting language providing that a request by a laborer or mechanic to the Director of Labor and Industrial Relations to initiate a prevailing wage claim must be made within three years from the date the wages or overtime compensation was due and payable and by limiting the scope of the investigation to the three-year period preceding the filing of the claim; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 952, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 952, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                                   |                         |     |          |
|--|-----------------------------------|-------------------------|-----|----------|
| Bill / Resolution No.:*<br><b>HB952 HD2</b>  | Committee Referral:<br><b>JDL</b> | Date:<br><b>3/17/15</b> |     |          |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |                                   |                         |     |          |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                                   |                         |     |          |
| Members  | Aye                               | Aye (WR)                | Nay | Excused  |
| KEITH-AGARAN, Gilbert S.C. (C)   | ✓                                 |                         |     |          |
| SHIMABUKURO, Maile S.L. (VC)   | ✓                                 |                         |     |          |
| ESPERO, Will   |                                   |                         |     | ✓        |
| GABBARD, Mike  | ✓                                 |                         |     |          |
| IHARA, Jr., Les  |                                   |                         |     | ✓        |
| THIELEN, Laura H.  | ✓                                 |                         |     |          |
| SLOM, Sam  |                                   |                         |     | ✓        |
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| <b>TOTAL</b>   | <b>4</b>                          |                         |     | <b>3</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                   |                         |     |          |
| Chair's or Designee's Signature:   |                                   |                         |     |          |
| <b>Distribution:</b> Original             Yellow             Pink             Goldenrod<br>File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy     |                                   |                         |     |          |

\*Only one measure per Record of Votes