

Honolulu, Hawaii

APR 27 2018

RE: S.B. No. 2351  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2351, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EQUAL PAY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to prohibit:

- (1) Prospective employers from requesting or considering a job applicant's prior wage or salary history in the job application process; and
- (2) Enforced wage secrecy and prohibit retaliation or discrimination against employees who disclose, discuss, or inquire about their own or coworkers' wages for the purpose of exercising rights under the law.



Your Committee on Conference finds that pay disparity persists between men and women who do similar work. Existing Hawaii law generally prohibits an employer from paying an employee at wage rates less than the rates paid to employees of the opposite sex; however, in 2015, the gender wage gap for women in comparison to men in Hawaii stood at eighty-four cents on the dollar and less than eighty cents on the dollar for women of color. This wage gap extends across almost all occupations reporting in Hawaii. Your Committee on Conference further finds that the ability of employers to consider a job applicant's previous salary history and pay secrecy are contributing factors to the gender pay disparity therefore, this measure is a step toward promoting equality in the workplace and ending pay discrimination against women, particularly women of color.

Your Committee on Conference has amended this measure by changing the effective date to January 1, 2019.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2351, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2351, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
\_\_\_\_\_  
AARON LING JOHANSON  
Co-Chair

  
\_\_\_\_\_  
JILL N. TOKUDA  
Chair

  
\_\_\_\_\_  
SCOTT Y. NISHIMOTO  
Co-Chair

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI  
Co-Chair

  
\_\_\_\_\_  
TY J. CULLEN  
Co-Chair

  
\_\_\_\_\_  
GILBERT S.C. KEITH-AGARAN  
Co-Chair



**Record of Votes of a  
Conference Committee**

Bill / Concurrent Resolution No.: <b>SB 2351, SD 1, HD 1</b>	Date/Time: <b>4/27/18 @ 10:45 am</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TOKUDA, Jill N., Chr.	/				JOHANSON, Aaron Ling, Co-Chr.	/			
TANIGUCHI, Brian T., Co-Chr.	/				NISHIMOTO, Scott Y., Co-Chr.	/			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	/				CULLEN, Ty J.K., Co-Chr.	/			
					ICHIYAMA, Linda	/			
					MATSUMOTO, Lauren Kealohilani	/			
<b>TOTAL</b>	<b>3</b>				<b>TOTAL</b>	<b>5</b>			

A = Aye                      WR = Aye with Reservations                      N = Nay                      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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