

STAND. COM. REP. NO. 540

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1385  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred S.B. No. 1385 entitled:

"A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the exclusion of employees who are guaranteed a monthly compensation of \$2,000 or more from the definition of "employee" for purposes of the Wage and Hour Law.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of Labor and Industrial Relations, Rainbow Family 808.com Inc., International Alliance of Theatrical Stage Employees Local 665, Labor Caucus of the Democratic Party of Hawai'i, Education Caucus of the Democratic Party of Hawai'i, Hawai'i Appleseed Center for Law and Economic Justice, Hawai'i State AFL-CIO, Imua Alliance, and eight individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that this administration measure is meant to increase the amount of employees and employers covered under chapter 387, Hawaii Revised Statutes, relating to Hawaii's Wage and Hour Law, and thereby promote the health, efficiency, and well-being of Hawaii's workforce. Your Committee further finds that this measure will provide workers who are guaranteed



compensation totaling \$2,000 or more a month with the protection afforded by the minimum wage rates, overtime rates, and employer recordkeeping requirements in chapter 387, Hawaii Revised Statutes.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2050, to encourage further discussion; 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 Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1385, S.D. 1, and be referred to your Committee on Ways and Means.

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



SHARON MORIWAKI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>SB1385</b>	Committee Referral: <b>LBT, WAM</b>	Date: <b>2/15/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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
MORIWAKI, Sharon Y. (C)	✓			
LEE, Chris (VC)				✓
IHARA, Jr., Les	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</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 File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes