July 3, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB1057 SD2 HD2 CD1 RELATING TO EMPLOYMENT EARNINGS.  
ACT 203

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai‘i
RELATING TO EMPLOYMENT EARNINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that requiring employers to include pay or salary as part of a job advertisement helps to increase pay transparency and equal pay for all employees. California, Colorado, and New York City have recently enacted laws requiring job advertisements to include pay, and initial experiences have benefited employers, current employees, and prospective employees. Employers and prospective employees spend less time interviewing because prospective employees will not apply to jobs with a pay level that they feel is too low, and current employees have benefitted from seeing the salaries of new employees and have used that information to seek higher wages, thereby helping to reduce pay inequalities.

The purpose of this Act is to reduce pay inequalities by:

(1) Requiring certain job listings to disclose the hourly rate or salary range that reasonably reflects the actual expected compensation; and

(2) Prohibiting an employer from discriminating between employees because of any protected category by paying
wages to employees in an establishment at a rate less
than the rate at which the employer pays wages to
other employees in the establishment for substantially
similar work.

SECTION 2. Chapter 378, Hawaii Revised Statutes, is
amended by adding a new section to part I to be appropriately
designated and to read as follows:

"§378- Job listing; disclosures. (a) Job listings
shall disclose an hourly rate or salary range that reasonably
reflects the actual expected compensation.

(b) This section shall not apply to job listings for:

(1) Positions that are internal transfers or promotions
within a current employer;

(2) Public employee positions for which salary, benefits,
or other compensation are determined pursuant to
collective bargaining; or

(3) Positions with employers having fewer than fifty
employees."

SECTION 3. Section 378-2.3, Hawaii Revised Statutes, is
amended by amending its title and subsection (a) to read as
follows:
§378-2.3 Equal pay[— sex— discrimination]. (a) No

employer shall discriminate between employees because of [sex—]

any protected category listed in section 378-2(a)(1) by paying

wages to employees in an establishment at a rate less than the

rate at which the employer pays wages to other employees [of the

opposite—sex] in the establishment for [equal work]

substantially similar work on jobs the performance of which

requires equal skill, effort, and responsibility, and that are

performed under similar working conditions. Payment

differentials resulting from:

(1) A seniority system;

(2) A merit system;

(3) A system that measures earnings by quantity or quality

of production;

(4) A bona fide occupational qualification; or

(5) A differential based on any other permissible factor

other than [sex—] any of the protected categories

listed in section 378-2(a)(1),

do not violate this section.
SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on January 1, 2024.

APPROVED this 3rd day of July, 2023

GOVERNOR OF THE STATE OF HAWAI'İ
THE SENATE OF THE STATE OF HAWAIʻI

Date: May 2, 2023
Honolulu, Hawaiʻi 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawaiʻi, Regular Session of 2023.

President of the Senate

Clerk of the Senate
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives