

STAND. COM. REP. NO. 2272

Honolulu, Hawaii

Feb. 17, 2006

RE: S.B. No. 2616

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2616
entitled:

"A BILL FOR AN ACT RELATING TO MEAL BREAKS,"

begs leave to report as follows:

The purpose of this measure is to require an employer to
provide meal or rest breaks of at least thirty consecutive minutes
to an employee who works five or more continuous hours, except in
certain circumstances.

Testimony in support of this measure was submitted by the
Hawaii State AFL-CIO, the ILWU Local 142, and the Hawaii State
Teachers Association. Testimony in opposition of this measure was
submitted by the Department of Labor and Industrial Relations, the
Hawaii Business League, and the Society for Human Resource
Management - Hawaii Chapter. Comments on this measure were also
submitted by the Retail Merchants of Hawaii.

Your Committee finds that, pursuant to Act 172, Session Laws
of Hawaii 1999, the legislature prohibited an employer from
interfering with an employee's right to express breastmilk during
a meal period or other break required by law. However, currently
no federal or state wage and hour laws require an employer to
provide an employee over the age of sixteen a meal period.
Therefore, although it is common business practice for employers
to provide their employees with meal breaks, employees in Hawaii
have no statutory right to meal breaks.



Your Committee determines that employees who work more than five consecutive hours should be provided a meal break of at least thirty minutes, which will protect the health and safety of employees, promote work efficiency and productivity, and permit employees to express breastmilk during any meal break. However, your Committee also determines that in the interest of providing for continued service and operations throughout the work day and ensuring the welfare of businesses, the law should not be applicable to:

- (1) Employers subject to a collective bargaining agreement that already addresses the issue of meal breaks;
- (2) A common carrier as defined in chapter 271, Hawaii Revised Statutes;
- (3) A power-generating utility; or
- (4) The operator of a continuously operating facility that is regulated by environmental permit.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2616 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

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




BRIAN KANNO, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 2616	Committee Referral: LBR, WAM	Date: 2-6-06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (2312) <input type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)	✓			
TANIGUCHI, Brian T.				✓
SLOM, Sam			✓	
TOTAL	2	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.