

STAND. COM. REP. NO. 504

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 758  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 758 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYEES,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Clarify Hawaii's Wage and Hour Law by including persons whose employment is governed by the Federal Fair Labor Standards Act in the definition of "employee"; and
- (2) Require employers to allow rest or meal periods for employees that work more than five consecutive hours.

The Hawaii State AFL-CIO; Hawaii State Teachers Association; ILWU Local 142; Unite Food & Commercial Workers Union Local 480 CTW; UNITE HERE! Local 5 Hawaii; and the Chair and Vice Chair of the Oahu County Committee of the Democratic Party of Hawaii testified in support of this bill. The Department of Labor and Industrial Relations; Hawaiian Electric Company, Inc.; Hawaii Electric Light Company, Inc.; Maui Electric Company, Inc.; Retail Merchants of Hawaii; and The Hawaii Business League testified in opposition to this measure. Convanta Energy Corporation submitted comments.

HB758 HD1 HSCR LAB HMS 2007-2245



Although the provision of meal or rest breaks is a common practice of employers, your Committee finds that neither Hawaii state nor federal wage and hour laws currently require employers to provide employees over the age of 16 with any meal break, regardless of how many consecutive hours the employees may be required to work.

However, your Committee understands the concerns raised regarding the effect this may have on Hawaii's small businesses. Accordingly, your Committee has amended this measure by:

- (1) Stipulating that the provision of a meal break shall only apply to employers employing fifty or more employees; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 758, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 758, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



ALEX M. SONSON, Chair



