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March 10, 2010

To: The Honorable Robert Herkes, Chair
and Members of the Senate Committee on Consumer Protection & Commerce

Date: Wednesday, March 10, 2010

Time: 2:00 p.m.

Place: Conference Room 325
State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Testimony for S.B. No. 2220 - Relating to Construction Sites

I. DLIR's POSITION ON SENATE BILL

The Department recognizes the intent of this measure, however, would like to share the following comments:

1. Adding this type of responsibility at a time when resources are thinnest impacts the ability of the Department of Labor and Industrial Relations to carry out the core function of assuring a lawful working environment by equitably administering and enforcing labor laws for which the department is responsible.
2. Further, this bill does not address the funding and resources necessary to create an interagency task force. The department will need to provide at least four (4) investigators (one each from UI, DCD, WSD & HIOSH).
3. Legislators have asked the Department about what it is doing to catch companies employing illegal alien workers. The Department would like to again point out that this is an area of federal preemption and that the Federal Government has sole jurisdiction over issues of immigration and illegal aliens.

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II. OVERVIEW OF PROPOSED LEGISLATION

S.B. No. 2220 adds a new section to establish a construction site inspection task force from the departments of Commerce and Consumer Affairs and Labor and Industrial Relations, to investigate and inspect construction sites for unlicensed contractors, illegal workers, and workplace safety violations.

III. CURRENT LAW

There is currently no joint task force established under the departments of Commerce and Consumer Affairs and the Labor and Industrial Relations.

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