

STAND. COM. REP. NO.

408

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1405
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1405 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require
employers to provide scheduled meal breaks or rest periods for
employees who work more than five consecutive hours.

Your Committee received comments on this measure from the
Department of Labor and Industrial Relations; the Hawaii
Transportation Association; and ILWU Local 142. Your Committee
received testimony in opposition to this measure from The Chamber
of Commerce of Hawaii; The Hawaii Business League; Retail
Merchants of Hawaii; Ito En (North America) Inc.; and one
individual.

Your Committee finds that the intent of this measure is to
ensure that employers who employ fifty or more employees allow
employees who work a full day or an eight-hour shift to have an
adequate period of time to rest and consume a meal. However, your
Committee recognizes the comments raised in testimony by the
Hawaii Transportation Association that some employees, such as
drivers of commercial vehicles, may not be able to take a rest or
meal period for thirty consecutive minutes for logistical reasons.
While your Committee has addressed the specific concern regarding
commercial drivers by providing an exemption to the rest period
requirement, subsequent committees may wish to consider whether



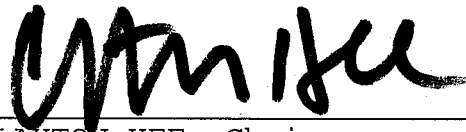
other exemptions are appropriate to address concerns raised by The Chamber of Commerce of Hawaii in its testimony.

Your Committee has amended this measure by:

- (1) Authorizing an exemption for the employers of commercial drivers;
- (2) Inserting an effective date of July 1, 2050, to facilitate further discussion of this measure and any other potential exemptions; and
- (3) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1405, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1405, S.D. 1, and be referred to the Committee on Ways and Means.

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

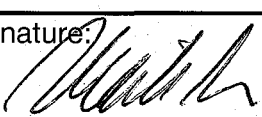


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1405	Committee Referral: JDL, WAM	Date: 2/8/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	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				

*Only one measure per Record of Votes