

Honolulu, Hawaii
Jan 31 , 2012

RE: H.B. No. 1679
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Economic Revitalization & Business, to which was referred H.B. No. 1679 entitled:

"A BILL FOR AN ACT RELATING TO WAGES,"

beg leave to report as follows:

The purpose of this measure is to protect the rights of Hawaii's workers by providing workers with greater wage related information and expanding criminal and civil penalties to enhance the enforcement of prohibitions on wage theft. Specifically, this measure, among other things:

- (1) Provides for public notice of employer violations of law addressing wage, hour, and other compensation;
- (2) Increases an employer's record keeping requirements for an employee's pay record;
- (3) Requires employers to provide employees with specific wage and employer information at the time of hiring and in employees' pay records; and
- (4) Increases the penalties for an employer's noncompliance with wage requirements and the Department of Labor and Industrial Relations' enforcement functions.



ILWU Local 142 testified in support of this measure. The Department of Labor and Industrial Relations provided comments.

Under current Hawaii law, an employer is required to provide basic pay information to employees on an individual's pay statement. Employers are also required to maintain pay records. At times, however, information about wages and other forms of compensation are not clearly explained on an employee's pay statement which can lead to confusion on the part of an employee when the employee tries to determine the accuracy of the pay statement. Requiring employers to provide employees with specific wage and employer information in a clear manner would address this issue.

Your Committees recognize the concerns raised by the Department of Labor and Industrial Relations regarding the cost and implementation aspects of the notification requirements and extensive revision and expansion of civil and criminal penalties contained in this measure. Accordingly, your Committees have amended this measure by deleting language:

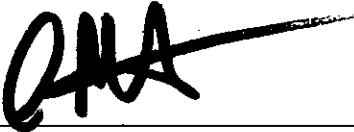
- (1) Providing for public notice of employer violations of law addressing wage, hour, and other compensation;
- (2) Requiring employers to provide employees with specific wage and employer information at the time of hiring; and
- (3) Increasing penalty provisions for an employer's noncompliance with wage requirements and the Department of Labor and Industrial Relations' enforcement functions.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Economic Revitalization & Business that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1679, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1679, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Labor & Public
Employment and Economic
Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



KARL RHOADS, Chair



HSCR 19

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HD 1079	Committee Referral: LAB/ERB, JMD, FIN	Date: 1-27-12
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. OKAMURA, Tom	/			
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.	/			
11. TAKUMI, Roy M.	/			
12. FONTAINE, George R.	/			
13. JOHANSON, Aaron Ling	/			
TOTAL (13)	13	-	-	-

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
(committee acronym(s))

Vice Chair's or designee's signature:

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: HB 1679	Committee Referral: LAB/ERB, JUD, FIN	Date: 1/27/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. CHOY, Isaac W. (VC)	/			
3. AWANA, Karen L.	/			
4. BROWER, Tom	/			
5. EVANS, Cindy	/			
6. HASHEM, Mark J.				/
7. NISHIMOTO, Scott Y.				/
8. TOKIOKA, James Kunane	/			
9. TSUJI, Clift	/			
10. MARUMOTO, Barbara C.				/
11. PINE, Kymberly Marcos	/			
TOTAL (11)	8	—	—	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				