

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 1699
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1699, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require employers to provide meal breaks for employees who work more than a total of five hours a day; and
- (2) Impose penalties on employers who fail to provide meal breaks.

The Department of Labor and Industrial Relations testified in support of the intent of this measure and provided comments. The Hawaii Transportation Association testified in opposition to this measure.

Your Committee finds that neither state nor federal law currently requires employers to provide employees who are sixteen years of age or older any meal break, regardless of how many consecutive hours they may be required to work. Your Committee also finds that requiring employers to provide a reasonable period of time to consume a meal would not only improve workplace morale, but would also likely promote efficiency and effectiveness among employees.



Your Committee has amended this measure by:

- (1) Exempting employers who are subject to Title 49 Code of Federal Regulations, Part 395;
- (2) Clarifying that the penalty imposed on an employer for failing to provide meal breaks shall be based on the employee's hourly rate of pay; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1699, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1699, H.D. 2.

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



GILBERT KEITH-AGARAN, Chair



