

The Twenty-Sixth Legislature  
Regular Session of 2012

**LATE**

HOUSE OF REPRESENTATIVES  
Committee on Labor & Public Employment  
Rep. Karl Rhoads, Chair  
Rep. Kyle T. Yamashita, Vice Chair  
Committee on Economic Revitalization & Business  
Rep. Angus L.K. McKelvey, Chair  
Rep. Isaac W. Choy, Vice Chair  
State Capitol, Conference Room 309  
Friday, January 27, 2012; 10:30 a.m.

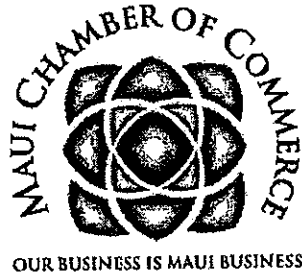
**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1699  
RELATING TO LABOR**

The ILWU Local 142 supports H.B. 1699, which requires employers to provide meal breaks for employees and imposes penalties for violations.

Meal breaks offer not only opportunities for workers to get nourishment during the day, but allow workers uninterrupted periods of rest to recharge and sustain them through the remainder of the work day. Offering meal breaks to all workers is a humane way to treat employees and sensible to foster concentration, productivity, and fewer accidents.

There are provisions in most, if not all, collective bargaining agreements for a meal break. In those agreements, there are also provisions for payment of additional wages if a meal break is not provided. H.B. 1699 appears to be consistent with collective bargaining agreements and intends for all workers, regardless of unionized status, to be allowed a meal break during the work day.

The ILWU urges passage of H.B. 1699. Thank you for the opportunity to testify.



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Testimony to the House Committee on Labor & Public Employment  
And Economic Revitalization and Business  
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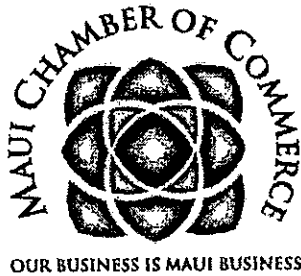
**RE: OPPOSE HOUSE BILL 1699 RELATING TO LABOR**

Dear Chairs Rhoads and McKelvey, Vice Chairs Yamashita and Choy, and members of the committees:

I am writing on behalf of the membership of the Maui Chamber of Commerce and in support of business alliances that we are a part of to OPPOSE HB1699 which requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks.

Simply, the bill is unnecessary as:

- Meal breaks are unnecessary. Most employers already provide them and often longer than 30 minutes;
- It will cause confusion and litigation regarding the calculation of overtime payments due to the unintended effect of altering current law on calculating employees' regular rate of pay for overtime purposes. For example, under FLSA, employers can exclude premium pay given for work on holidays or weekends when calculating the employee's regular rate of pay for overtime purposes. Under Hawaii law, if the bill passes, an employer would have to factor in premium pay in calculating the regular rate because the only method of calculating the regular rate of pay under Hawaii law is to take the total earnings for the period and divide by the number of hours worked;
- It will hurt employees who would rather work through their lunch or take shorter breaks in order to shorten their work day. Employers who currently operate ten hour shifts would be required to force employees to take an unpaid 30 minute meal break before the fifth and again before the tenth hour of work, thereby prolonging an already long work day;
- It will require employers to carefully monitor employees to ensure that they take meal breaks before 5 continuous hours of work have passed. To avoid paying this penalty, employers will have to send supervisors to every employee's cubicle and work location to make sure that employees have taken lunch breaks on time; and



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