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Honolulu, Hawaii

**MARCH 22**, 2013

RE: S.B. No. 535  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Economic Development & Business, to which was referred S.B. No. 535, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Extend basic labor rights and protections to domestic workers by:
  - (A) Establishing hours of labor for domestic workers and defining "causal basis" employment and "domestic worker" under the Hawaii Employment Relations Act;
  - (B) Amending the definition of "employment" under Chapter 378, Hawaii Revised Statutes (HRS), to prohibit discriminating against domestic workers;
  - (C) Including service of domestic workers under the workers' compensation law's definition of "employment"; and



- (D) Excluding individuals employed in domestic service in or about the home of the individual's employer on a casual basis from the Wage and Hour Law under Chapter 387, HRS; and
- (2) Direct the Department of Labor and Industrial Relations to submit a written report to the Legislature regarding the feasibility of allowing domestic workers to organize for the purposes of collective bargaining.

The Hawaii State Commission on the Status of Women, American Civil Liberties Union of Hawai'i, National Domestic Workers Alliance, Hawai'i Women's Coalition, First Lady of the State of Hawaii, and several concerned individuals supported this measure. The Department of Labor and Industrial Relations and Hawaii Labor Relations Board supported the intent of this bill. Hawai'i Civil Rights Commission supported this measure with amendments. A concerned individual opposed this measure.

Your Committees have amended this measure by:

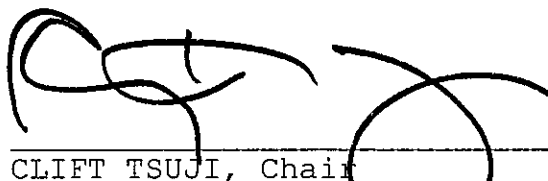
- (1) Removing the definitions for "casual basis" employment and "domestic worker" and the provisions relating to hours of labor for domestic workers from the Hawaii Employment Relations Act;
- (2) Removing the service of domestic workers from the workers' compensation law's definition of "employment";
- (3) Prohibiting discriminatory practices against any "domestic," rather than any "domestic worker";
- (4) Adding definitions for "casual basis," "companionship services for the aged or infirm," and "domestic service" under the Wage and Hour Law;
- (5) Specifying that an individual providing companionship services for the aged or infirm is also excluded from the Wage and Hour Law;
- (6) Removing the requirement directing the Department of Labor and Industrial Relations to submit a written report to the Legislature regarding the feasibility of allowing domestic workers to organize for the purposes of collective bargaining;



- (7) Changing its effective date to July 1, 2113, to promote further discussion; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Economic Development & Business that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 535, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 535, S.D. 1, 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 Development & Business,



CLIFT TSUJI, Chair



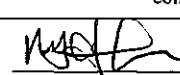
MARK M. NAKASHIMA, Chair



HSCR 1166

State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

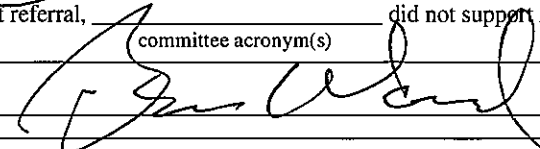
Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 535, SD1	Committee Referral: LAB/EDB, JUD	Date: 3/19/2013		
<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)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	X			
2. HASHEM, Mark J. (VC)	X			
3. AQUINO, Henry J.C.	✓			
4. ICHIYAMA, Linda				✓
5. ING, Kaniela	✓			
6. TAKUMI, Roy M.	✓			
7. YAMANE, Ryan I.	✓			
8. YAMASHITA, Kyle T.	✓			
9. JOHANSON, Aaron Ling				✓
TOTAL (9)	7	0	0	2
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				

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<b>EDB Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. TSUJI, Clift (C)	✓			
2. WARD, Gene (VC)		✓		
3. BROWER, Tom	✓			
4. CACHOLA, Romy M.				✓
5. CHOY, Isaac W.	✓			
6. OHNO, Takashi	✓			
7. ONISHI, Richard H.K.	✓			
8. TAKAYAMA, Gregg	✓			
9. TOKIOKA, James Kunane	✓			
<b>TOTAL (9)</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> <u>Adopted</u> <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. (committee acronym(s))				
Vice Chair's or designee's signature: 				
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