

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 1263  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1263 entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose and intent of this measure is to provide an  
opportunity for all employees who work more than a total of five  
hours a day to rest and eat by:

- (1) Prohibiting employers from requiring any employee to  
work more than a total of five hours a day without at  
least thirty minutes for a meal break, with certain  
exceptions;
- (2) Imposing penalties on employers who fail to provide meal  
breaks; and
- (3) Clarifying that the employer's liability is based on an  
employee's regular wage at the time the infraction  
occurred.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations; Plumbers  
and Fitters, Local 675; International Longshore and Warehouse  
Union, Local 142; and one private individual. Testimony in  
opposition to this measure was submitted by the Retail Merchants  
of Hawaii, The Chamber of Commerce of Hawaii, Building Industry  
Association of Hawaii, Hawaii Business League, Outrigger Hotels of



Hawaii, Hawaii Credit Union League, Society for Human Resource Management - Hawaii Chapter, and one private individual.

Your Committee finds that under existing law, employers are required to provide minor workers who are at least fourteen years old but under the age of sixteen an interval of at least thirty consecutive minutes for a rest or lunch period for no more than five continuous hours of work. However, employers are not required by law to provide their employees sixteen years of age or older any meal or rest period, no matter how many consecutive hours their employees may be required to work. Meal breaks offer employees the opportunity to eat and rest in order to recharge and sustain them through the remainder of their work day.

The Department of Labor and Industrial Relations indicated in its written testimony that twenty-two other states or jurisdictions require employers to provide their employees meal periods, while seven states require employers to provide rest periods to their employees. This measure aligns Hawaii with other state laws by requiring employers, under certain circumstances, to provide meal breaks for any employee who works more than five consecutive hours and imposes penalties on employers who fail to provide meal breaks when applicable.

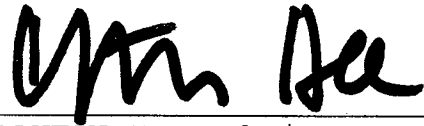
Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment 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. 1263, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1263, 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,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1263	JDL, WAM	2/5/13		
<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 S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les		✓		
SLOM, Sam			✓	
<b>TOTAL</b>	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes