

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 535
S.D. 1
H.D. 2
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 535, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to extend certain basic labor rights and protections to domestic workers. Specifically, this measure:

- (1) Prohibits an employer from discharging or discriminating against an individual employed as a domestic in compensation or in terms, conditions, or privileges of employment because of that individual's race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, or marital status;



- (2) Applies the wage and hour laws under chapter 387, Hawaii Revised Statutes, to domestic workers except for individuals employed in domestic services on a casual basis and individuals providing companionship services for the aged or infirm; and
- (3) Adds definitions of "casual basis", "companionship services for the aged or infirm", and "domestic service" to the wage and hour laws under chapter 387, Hawaii Revised Statutes.

Your Committee on Conference finds that domestic workers provide services for a family other than their own within that family's home. The duties of a domestic worker depend on the employment relationship between the domestic worker and the domestic worker's employer. Duties may include cleaning; laundry; shopping; cooking; or child, senior, or pet care. Many domestic workers are hired under private agreements that do not afford basic legal employment rights and protections. This measure extends certain basic labor rights and protections to domestic workers.

Your Committee on Conference has amended this measure by:

- (1) Adopting the language suggested by the Hawaii Civil Rights Commission and the Department of Labor and Industrial Relations regarding the provision that prohibits discrimination of individuals employed as domestics to exclude from this protection the act of discharging a domestic worker; and
- (2) Changing the effective date from July 1, 2113, to upon approval.

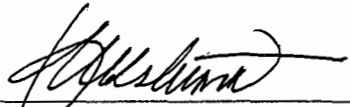
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 535, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 535, S.D. 1, H.D. 2, C.D. 1.



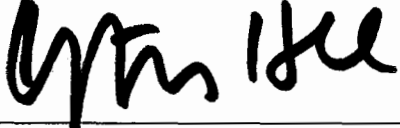
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

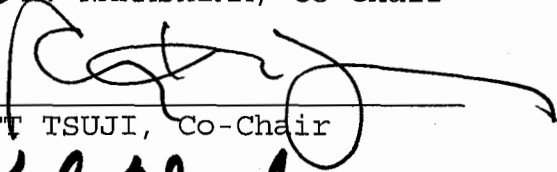
ON THE PART OF THE SENATE



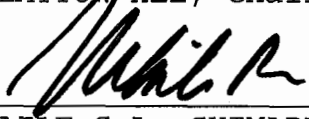
MARK M. NAKASHIMA, Co-Chair




CLAYTON HEE, Chair



CLIFT TSUJI, Co-Chair



MAILE S.L. SHIMABUKURO, Co-Chair



KARL RHOADS, Co-Chair

Hawaii State Legislature

CCR 76

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 535, SD 1, HD 2					Date/Time: <i>4/25/13, 10:38 AM</i>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				TSUJI, Clift, Co-Chr.	✓			
GABBARD, Mike	✓				RHOADS, Karl, Co-Chr.	✓			
					HASHEM, Mark J.	✓			
					JOHANSON, Aaron Ling		✓		
TOTAL	3				TOTAL	4	1		
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: <i>Clift</i>					House Lead Chair's or Designee's Signature: <i>Mark M. Nakashima</i>				
Distribution:		Original <i>File with Conference Committee Report</i>			Yellow <i>House Clerk's Office</i>		Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>