

JAN 23 2015

A BILL FOR AN ACT

RELATING TO RETAIL EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that holidays provide a
2 wonderful opportunity to spend time with family and friends.
3 However, there has been a recent pattern of retailers
4 encroaching on holidays in their quest for a profit. This
5 pattern is particularly noticeable during the Thanksgiving
6 holiday. As the start of the holiday shopping season arrives
7 earlier each year, retailers are extending their shopping hours.
8 In 2013, several retailers that previously were only open on the
9 Friday after Thanksgiving, commonly referred to as "Black
10 Friday", decided to open their doors on Thanksgiving. In 2014,
11 even more retailers were open for business on Thanksgiving,
12 including Best Buy, Old Navy, Target, Walgreens, and Walmart.
13 While these extended retail hours may appeal to retailers and
14 shoppers, the employees who are asked and expected to work these
15 hours are sacrificing cherished time away from their families
16 and friends.



1 The purpose of this Act is to ensure that retail employees
2 who work on state holidays are financially compensated and are
3 not penalized for electing to not work on a state holiday.

4 SECTION 2. Chapter 387, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§387- Wages paid by retail employers to retail
8 employees on state holidays; retaliatory personnel action

9 prohibition. (a) A retail employer shall pay each employee for
10 time worked on a state holiday at a wage rate of three times the
11 retail employee's regular wage rate at which the retail employee
12 is employed.

13 (b) A retail employer shall not take retaliatory personnel
14 action against a retail employee for electing to not work on a
15 state holiday.

16 (c) For purposes of this section:

17 "Retail employee" means a person employed at a retail
18 establishment.

19 "Retail employer" means an employer who employs at least
20 one person at a retail establishment.



S.B. NO. 234

1 "Retail establishment" means a place of business open to
2 the general public for the sale of goods or services to the
3 final consumer.

4 "Retaliatory personnel action" means any action that
5 adversely affects a retail employee's employment status, wages,
6 hours, or employment conditions."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY: *Carey H. Bab*
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S.B. NO. 234

Report Title:

Retail Employer; Retail Employee; State Holidays; Wages;
Retaliatory Personnel Action Prohibition

Description:

Requires a retail employer to pay a retail employee who works on a state holiday at a wage rate of three times the retail employee's regular wage rate and prohibits a retail employer from taking retaliatory personnel action against a retail employee for electing to not work on a state holiday.

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