

Honolulu, Hawaii
March 18, 2016

RE: S.B. No. 2313
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 2313, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EQUAL PAY,"

begs leave to report as follows:

The purpose of this measure is to encourage equal pay for equal work.

Specifically, this measure:

- (1) Requires employers to provide equal pay to employees that perform substantially similar work, except where the employer demonstrates the wage differential is based upon certain specified factors;
- (2) Changing the requirement of "equal work" to "substantially similar work";
- (3) Prohibits employers from barring employees from discussing their own wages or discussing and inquiring about the wages of other employees; and
- (4) Prohibits prospective employers from:
 - (A) Screening a job applicant based on wage or salary history; and



- (B) Requesting the wage or salary history of a job applicant from any current or former employer of the job applicant.

The Office of Hawaiian Affairs, Hawaii State Commission on the Status of Women, Hawai'i State Democratic Women's Caucus, Planned Parenthood Votes Northwest and Hawaii, Hawai'i Women Lawyers, American Association of University Women, Hawai'i Women's Coalition, YWCA Oahu, and one individual testified in support of this measure. The Chamber of Commerce Hawaii, Society for Human Resource Management, National Federation of Independent Business, and Hawaii Automobile Dealers' Association testified in opposition. The Hawai'i Civil Rights Commission provided comments.

Your Committee has amended this measure by:

- (1) Changing "substantially similar work" to "substantially equal work";
- (2) Repealing the bona fide occupational qualification affirmative defense;
- (3) Changing its effective date to July 1, 2091, to facilitate further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2313, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 2313 SD2	Committee Referral: LAB, JUD, FIN	Date: 3/15/16		
<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)	/			
2. KEOHOKALOLE, Jarrett (VC)	/			
3. AQUINO, Henry J.C.	/			
4. HAR, Sharon E.	/			
5. ICHIYAMA, Linda	/			
6. JOHANSON, Aaron Ling	/			
7. LoPRESTI, Matthew S.	/			
8. SAN BUENAVENTURA, Joy A.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. TUPOLA, Andria P.L.				/
TOTAL (11)	10			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				