



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 1, 2016
Rm. 325, 2:00 p.m.

To: The Honorable Karl Rhoads, Chair
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1909, H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

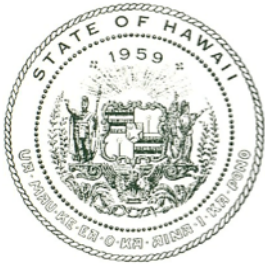
H.B. 1909, H.D. 1, if enacted, will amend state law provisions for equal pay and prohibition of sex discrimination for substantially similar work. The bill adds a subsection prohibiting an employer from taking action against an employee for disclosing wages or discussing wages.

The House Committee on Labor and Public Employment adopted HCRC’s previous recommendations, regarding bona fide factors, and other issues. With these amendments, the HCRC strongly supports H.B. 1909, H.D. 1. In particular, the HCRC strongly supports the proposed subsection 378-2.3(b), providing that an employer may not prohibit an employee from disclosing wages, or discussing, inquiring, aiding or encouraging any other

employee from doing so.

The HCRC strongly supports an end to pay disparity between men and women who do similar work. This bill will help to ensure that men and women receive equal pay for equal work in the same establishment. The provision regarding wage disclosure is crucial, so that employees can discuss and ascertain pay disparity, without fear of employer penalty or discipline. HCRC supports this bill as a step towards ending discrimination against women, particularly women of color, in the workplace as a result of lower wages than their male counterparts. Equal pay for equal work will benefit families, and children, as well as women employees.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

Executive Director
Catherine Betts, JD

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235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
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February 26, 2016

To: Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

LATE

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 1909, HD1, Relating to Equal Pay

Thank you for this opportunity to provide testimony in strong support of HB 1909, HD1, which would amend Hawaii's equal pay statute, HRS 378-2.3, thereby strengthening equal pay protection for women and providing further guidance to employers and employees.

Currently, the wage gap for Hawaii's women is at a standstill, with women making roughly 86 cents for every dollar paid to a man for substantially similar work. Throughout the past 30 years, the wage gap has stagnated. At the current rate, the wage gap will not close in Hawaii until 2058.

40% of American families depend on a woman as both the primary caregiver and the primary or sole breadwinner. Families largely depend on women's wages to be economically self sufficient, which makes the stagnated wage gap a real and tangible daily problem for working families everywhere, including Hawaii. Women in Hawaii who are employed full time lose a combined total of more than *1.4 billion dollars* annually due to the wage gap.ⁱ This wage gap exists regardless of industry, occupational choice or educational level, and it is felt the moment a woman receives her first job, whether out of high school, college, graduate school, etc.^{ii iii iv}

Pay inequity is largely linked to poverty. If women's hourly earnings rose to the level of similarly qualified men, poverty rates among working families would be reduced by 50%. This is a real problem with real effects on our women and families.

Our equal pay statute has not been litigated, so there is very little guidance for employers or employees on what constitutes compensation discrimination, or the remedies an employee may have under the law. By revising the language in HRS 378-2.3, we have an opportunity to hasten the closing of the wage gap, thereby benefiting all women and families in Hawaii.

The Commission strongly supports HB 1909, HD1 and respectfully requests the passage of this measure.

ⁱ U.S. Census Bureau. (2015). American Community Survey 1-Year Estimates 2014, Geographies: All States within United States and Puerto Rico, Table B20017: Median Earnings in

the Past 12 Months by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months. Available at:

http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_B20017&prodType=table

ⁱⁱ U.S. Census Bureau. (2015). American Community Survey 1-Year Estimates 2014, Table S2404: Industry by Sex and Median Earnings in the Past 12 Months for the Full-Time,

Year-Round Civilian Employed Population 16 Years and Over. Retrieved 17 September 2015, from

http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S2404&prodType=table

ⁱⁱⁱ U.S. Census Bureau. (2015). Current Population Survey, Annual Social and Economic (ASEC) Supplement: Table PINC-06: Occupation of Longest Job in 2014--People 15 Years and

Over, by Total Money Earnings in 2014, Work Experience in 2014, Race, Hispanic Origin, and Sex. Retrieved 17 September 2015, from

http://www.census.gov/hhes/www/cpstables/032015/perinc/pinc06_000.htm

^{iv} U.S. Census Bureau (2015). Current Population Survey, Annual Social and Economic (ASEC) Supplement: Table PINC-03. Educational Attainment--People 25 Years Old and Over,

by Total Money Earnings in 2014, Work Experience in 2014, Age, Race, Hispanic Origin, and Sex. Retrieved 17 September 2015, from

http://www.census.gov/hhes/www/cpstables/032015/perinc/pinc03_000.htm

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 1:47 PM
To: JUDtestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB1909 on Mar 1, 2016 14:00PM

HB1909

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: As in previous committee testimony of record, the Hawaii Women's Coalition is in strong support of this measure. With one of the highest costs of living and with women in Hawaii making an average ratio of 80 cents on the dollar compared to men, we need to do something. This is the 21st Century! Enough is enough! Mahalo, Ann S. Freed, Co-Chair Hawaii Women's Coalition

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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March 1, 2016

To: Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair

RE: HB 1909 HD1 Relating to Equal Pay
Hearing: Tuesday, March 1, 2016, 2:00 p.m., Room 325

POSITION: STRONG SUPPORT

The Hawai'i State Democratic Women's Caucus (HSDWC) writes in strong support of HB 1909 HD1 Relating to Equal Pay.

The fact that the pay gap between men and women has been stagnant and has not continued narrowing, necessitates more effort in ensuring the concept of equal pay for equal work. California passed the Fair Pay Act, improving their equal pay statute last year. In addition, approximately 24 states are considering updating their statutes this year. HSDWC notes that the California Fair Pay Act had bi-partisan support and was also supported by the California Chamber of Commerce.

This measure improves our current equal pay statute. It ensures that employees performing substantially similar work are paid equally; changes the requirement of "equal work" to "substantially similar work;" and ensures that any legitimate, non-sex related factor(s) relied upon are applied reasonably and account for the entire pay differential.

In addition, it prevents employers from retaliating against any employee who discusses her pay with others; because if employees cannot discuss their salaries, they cannot learn that they are being paid less.

Current statutes have "catch alls" which allow loopholes for employers and have been difficult for employees to prove pay discrimination.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. It is because of this mission that we respectfully request that the committee pass this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 28, 2016 5:57 PM
To: JUDtestimony
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for HB1909 on Mar 1, 2016 14:00PM*

HB1909

Submitted on: 2/28/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
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	Stanley Chang	Jan Lubin	Emmanuel Zibakalam	Honolulu
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Karin Gill, Secretary	Fritz Fritschel	Stephen O'Harrow		

Feb. 28, 2016

TO: Honorable Karl Rhoads Chair; Honorable Joy San Buenaventura, Vice Chair; and
Members of the House Judiciary Committee

RE: HB 1909 HD 1 Relating to Equal Pay SUPPORT

HEARNG DATE: March 1.

Americans for Democratic Action is a national organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

ADA Hawaii Chapter supports HB 1909 as it would help alleviate gender discrimination.

Thank you very much for considering the concerns of the Hawaii Chapter of Americans for Democratic Action.

Sincerely,

John Bickel
President



February 27, 2016

To: Hawaii State House Committee on Judiciary
Hearing Date/Time: Tuesday, March 1, 2016 (2:00 p.m.)
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of American Association of University Women –
Hawaii in support of H.B. 1909 H.D. 1, Relating to Equal Pay

Dear Representative Karl Rhoads (Chair), Representative Joy A. San Buenaventura (Vice Chair), and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of H.B. 1909, H.D. 1**, which directly confronts the gender equity issue in employment wages. My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list equal pay as an important current concern. “More than 50 years after passage of the Equal Pay Act of 1963, it’s clear the pay gap is unlikely to go away on its own. That’s why the American Association of University Women and its more than 170,000 members and supporters are leading a nationwide campaign to close the pay gap and end pay discrimination” (<http://www.aauw.org/files/2014/09/Hawaii-Pay-Gap-2014.pdf>). It is absolutely ridiculous that in 2016, we are still dealing with the issue of women taking home smaller salaries than their male counterparts while working in substantially similar employment.

In Hawaii, as in the rest of the U.S., women make up half the population, and deserve to share equally in the economic rewards of the American workplace. Not only do women experience hardship themselves from salary discrimination, but also these inequities affect these women’s children. Approximately 56,000 Hawaiian households survive on female wages, and 19% of these families are struggling with incomes below the poverty level.

The fixes provided in H.B. 1909, H.D. 1 have potential to improve women’s salaries and benefits across the state by providing a more transparent system. Women should be able to learn about the wage structure in their place of work, and where they rank, plus job advertisements should display the pay level envisaged. These improvements, along with the other suggestions in the bill are important steps toward more equitable wages for women, with potential to make a major improvement in their lives.

Thank you for the opportunity to testify.

Sincerely
Susan J. Wurtzburg, Ph.D.
Policy Chair



HB1909 HD1
RELATING TO EQUAL PAY
House Committee on Judiciary

March 1, 2016

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1909 HD1, which strengthens important civil rights statutes relating to sex discrimination in pay, and includes important pay disclosure protections that allow employees to discuss their wages without reprisal. This bill aligns with OHA's strategic priority of improving the economic self-sufficiency of Native Hawaiians.

This legislation strengthens our civil rights enforcement statutes, and may help to combat systemic discrimination and implicit biases that can be at the root of economic disparities. OHA data shows extreme disparities in income for Native Hawaiians, and particularly for Native Hawaiian women, suggesting that gender and race discrimination in pay may significantly impact the Native Hawaiian community. For example, despite participating in the labor force at higher rates than the statewide population, Native Hawaiians earn substantially less than the state average income.¹ Meanwhile, a greater percentage of Native Hawaiian women have bachelor's degrees or higher educational qualifications compared to Native Hawaiian men,² and a greater percentage of employed Native Hawaiian women are in management and other typically higher-paying occupations compared to employed Native Hawaiian men;³ however, Native Hawaiian women workers' median income is only 85.44% of their Native Hawaiian male counterparts. Notably, Native Hawaiian women workers also earn only 88.95% of the median income of total state female workers and 75.36% of the median income of total state male workers. These disparities are even more pronounced for single mothers, with Native Hawaiian single mothers earning only 60.5% of the median income for Native Hawaiian single fathers, and 76% of the median income for all single mothers in the state.⁴

HB1909 HD1 may help to alleviate the economic disparities resulting from implicit biases and systemic discrimination in the workplace. The specific provisions regarding sex discrimination will provide civil rights enforcement agencies with the ability to more adequately ensure employees are paid equally, regardless of gender. Moreover, the pay disclosure protections may also help to address both sex and race discrimination, by allowing employees to evaluate their wages in comparison to their peers.

Accordingly, OHA urges the Committee to **PASS** HB1909 HD1. Mahalo nui for the opportunity to testify on this important measure.

¹ See OFFICE OF HAWAIIAN AFFAIRS, INCOME INEQUALITY AND NATIVE HAWAIIAN COMMUNITIES IN THE WAKE OF THE GREAT RECESSION: 2005 TO 2013 (2014) <http://www.oha.org/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>.

² 17.9% of Native Hawaiian women have bachelor's degrees compared to 15.0% of Native Hawaiian men. See 2014 American Community Survey, 1 Year Table SO201.

³ 31.5% of Native Hawaiian women are employed in management, business, science, and arts occupations compared to 18.8% of Native Hawaiian men. See *Id.*

⁴ In 2014, Native Hawaiian single mother's median income was \$37,649 or 60.45% of Native Hawaiian single fathers income of \$62,277, and 76% of single mothers' median income statewide of \$49,797. See *Id.*

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 26, 2016

To: House Committee on Judiciary and Labor
Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of HB 1909, HD1, Relating to Equal Pay

Good afternoon Chair Rhoads, Vice Chair San Buenaventura, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of HB 1909, HD1** relating to equal pay.

Economic barriers and lack of financial resources are significant barriers for a victim of domestic violence to face when considering leaving an abusive relationship. Having access to equal wages as their similarly qualified male counterparts will provide women with increased resources and the economic support they so desperately need when beginning a new life outside of an abusive relationship. As a Coalition of domestic violence service providers statewide, we frequently hear from victims that the poverty that they experience is just as trapping as the abuse that they are enduring. Not only will the Equal Pay measure uplift the status of all women in our community, it will also likely ease some of the financial pressure and barriers that victims struggle to find solutions to each day.

The Hawaii State Coalition Against Domestic Violence thanks you for the opportunity to provide testimony on the matter and respectfully requests passage of this bill.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

Executive Director
Catherine Betts, JD

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FAX: 808-586-5756

February 26, 2016

To: Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 1909, HD1, Relating to Equal Pay

Thank you for this opportunity to provide testimony in strong support of HB 1909, HD1, which would amend Hawaii's equal pay statute, HRS 378-2.3, thereby strengthening equal pay protection for women and providing further guidance to employers and employees.

Currently, the wage gap for Hawaii's women is at a standstill, with women making roughly 86 cents for every dollar paid to a man for substantially similar work. Throughout the past 30 years, the wage gap has stagnated. At the current rate, the wage gap will not close in Hawaii until 2058.

40% of American families depend on a woman as both the primary caregiver and the primary or sole breadwinner. Families largely depend on women's wages to be economically self sufficient, which makes the stagnated wage gap a real and tangible daily problem for working families everywhere, including Hawaii. Women in Hawaii who are employed full time lose a combined total of more than *1.4 billion dollars* annually due to the wage gap.ⁱ This wage gap exists regardless of industry, occupational choice or educational level, and it is felt the moment a woman receives her first job, whether out of high school, college, graduate school, etc.^{ii iii iv}

Pay inequity is largely linked to poverty. If women's hourly earnings rose to the level of similarly qualified men, poverty rates among working families would be reduced by 50%. This is a real problem with real effects on our women and families.

Our equal pay statute has not been litigated, so there is very little guidance for employers or employees on what constitutes compensation discrimination, or the remedies an employee may have under the law. By revising the language in HRS 378-2.3, we have an opportunity to hasten the closing of the wage gap, thereby benefiting all women and families in Hawaii.

The Commission strongly supports HB 1909, HD1 and respectfully requests the passage of this measure.

ⁱ U.S. Census Bureau. (2015). American Community Survey 1-Year Estimates 2014, Geographies: All States within United States and Puerto Rico, Table B20017: Median Earnings in

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ⁱⁱ U.S. Census Bureau. (2015). American Community Survey 1-Year Estimates 2014, Table S2404: Industry by Sex and Median Earnings in the Past 12 Months for the Full-Time,

Year-Round Civilian Employed Population 16 Years and Over. Retrieved 17 September 2015, from

http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S2404&prodType=table

ⁱⁱⁱ U.S. Census Bureau. (2015). Current Population Survey, Annual Social and Economic (ASEC) Supplement: Table PINC-06: Occupation of Longest Job in 2014--People 15 Years and

Over, by Total Money Earnings in 2014, Work Experience in 2014, Race, Hispanic Origin, and Sex. Retrieved 17 September 2015, from

http://www.census.gov/hhes/www/cpstables/032015/perinc/pinc06_000.htm

^{iv} U.S. Census Bureau (2015). Current Population Survey, Annual Social and Economic (ASEC) Supplement: Table PINC-03. Educational Attainment--People 25 Years Old and Over,

by Total Money Earnings in 2014, Work Experience in 2014, Age, Race, Hispanic Origin, and Sex. Retrieved 17 September 2015, from

http://www.census.gov/hhes/www/cpstables/032015/perinc/pinc03_000.htm



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR HOUSE BILL 1909, HOUSE DRAFT 1, RELATING TO
EQUAL PAY**

**House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Joy A. San Buenaventura, Vice Chair**

**Wednesday, March 1, 2016, 2:00 PM
State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony in strong support of HB 1909, HD1, relating to equal pay.

In Hawai'i, women currently make 86 cents for every dollar paid to men for substantially similar, and often the same, work. According to data from the U.S. Census Bureau, the gender pay gap in the islands is not projected to close until 2058, leaving another four decades of women unjustly lagging economically behind their male colleagues. Moreover, labor and census statistics cited by the Hawaii Commission on the Status of Women reveal that women working full-time lose more than \$1.4 billion annually due to the local wage gap, which exists across industrial, educational, racial, and ethnic demographics.

Finally, combating pay inequity reduces poverty, at a time when Hawai'i is facing a statewide houseless crisis. According to the latest point-in-time count, Hawai'i has 7,620 people living without housing, a 10 percent increase from the previous year. Our state's homeless population has reached its highest number in five years, boosted by a dramatic increase in the number of unsheltered houseless persons. Unsheltered persons now total 3,843 people, while sheltered individuals total 3,777. On O'ahu, in 2015, the houseless population rose to 4,903, up from 4,712 in 2014. The Big Island of Hawai'i totaled 1,241 houseless persons, up from 869 a

year ago—a shocking 43 percent increase. Maui County saw its houseless population rise to 1,137, last year, up from 959 the previous year.

A report from the Center for American Progress (“A Woman’s Nation Pushes Back from the Brink,” 2014) concluded that normalizing women’s earnings to their male peers could cut poverty rates for working women by up to 50 percent. Economists Heidi Hartmann and Jeffrey Hayes of the Institute for Women’s Policy Research calculated that nationally, paying women who work full time, year-round, the same as men would boost their incomes by an average of \$6,250 a year, raising 3 million working women above the poverty line and boosting GDP by 2.9 percent, or \$450 billion. CAP’s report notes that one in three women in the U.S. either live in poverty or are “teetering on its brink,” totaling 42 million women who struggle financially. If anything, these numbers are exacerbated by the price of paradise in Hawai’i, which numerous indicators have demonstrated has the highest cost-of living and housing costs in the country, dragging down the purchasing power of workers’ paychecks.

Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



Before the House Judiciary Committee

DATE: March 1, 2016

TIME: 2:00 p.m.

PLACE: Conference Room 325

Re: HB 1909, HD 1 Relating to Equal Pay

Testimony of Melissa Pavlicek for NFIB Hawaii

Aloha Chair Rhoads, Vice Chair San Buenaventura, and members of the Committee:

We are testifying on behalf of the National Federation of Independent Business (NFIB) to respectfully **oppose** this measure. NFIB and our members support equal pay, in that we agree with the principle that an equal day's work deserves an equal day's pay. The existing legal framework already protects employees from wage discrimination based on gender. We do not support the changes proposed in the current version of HB 1909, HD 1.

It is already against the law for an employer to discriminate in setting employee wages based on gender. At the state level we have the Equal Pay Law, which clearly states that no employer shall discriminate based on gender when setting wages. At the federal level, The Equal Pay Act says that employers must pay equal wages to women and men in the same establishment for performing substantially equal work. Additional protections are afforded under Title VII of the Civil Rights Act, which prohibits employers with at least 15 employees from discriminating against their employees based on a variety of factors, including gender. In 2009, Congress passed the Lilly Ledbetter Fair Pay Act, which extended the statute of limitations for filing an equal pay lawsuit. We believe these laws already cover the issue of gender wage discrimination.

This bill removes "quality and quantity" of work as a factor to be considered when determining whether pay is deemed equal as between two workers. It also prohibits employers from requesting salary history and requires advertisement of minimum pay for positions. These provisions are among the most problematic and, we believe, will not benefit those intended to benefit from this legislation. While we agree with the principle of equal pay, we believe this legislation would ultimately impose burdens and risks on employers; devalue important factors in establishing wages, such as training, education, and skill; and expand litigation opportunities for plaintiffs.

Please defer this bill.



LATE

Testimony to the House Judiciary Committee
March 1, 2016 at 2:00 p.m.
State Capitol - Conference Room 325

RE: HB1909, HD 1 Relating to Equal Pay

Aloha members of the committee:

I am John Knorek, the Legislative Committee chair for the Society for Human Resource Management – Hawaii Chapter (“SHRM Hawaii”). SHRM Hawaii represents more than 800 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose HB 1909, HD 1. This bill amends the provisions for equal pay and sex discrimination for substantially similar work. It prohibits employer actions regarding wage disclosure and applicant wage histories and requires that employer advertisements include minimum rate of pay.

Most significantly, we believe that it will undermine use of reasonable factors in establishing wages, such as training, education and skill – and that utilizing these factors to determine pay is beneficial to employees and employers. In addition, this measure would pose substantial implementation challenges and administrative burden.

Human resource professionals are keenly attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses’ most valuable asset: human capital. We truly have our employers’ and employees’ interests at heart. We will continue to review this bill and, if it advances, request to be a part of the dialogue concerning it.

Thank you for the opportunity to testify.





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(808) 941-2231

YWCA Kokokahi
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1040 Richards Street
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(808) 538-7061

www.ywcaoahu.org

To: Honorable Karl Rhoads, Chair
Honorable Joy San Buenaventura, Vice Chair
House Committee on Judiciary

From: Noriko Namiki, Chief Executive Officer
YWCA of O'ahu

Re: H.B.1909, HD1, Relating to Equal Pay - SUPPORT
Tuesday, March 1, 2016, 2:00 p.m. -- Hawaii State Capitol, Rm. 325

Good morning Chair Rhoads, Vice Chair San Buenaventura, and members of the committee. On behalf of YWCA O'ahu we thank you for the opportunity to share our testimony in **strong support of HB1909, HD1** relating to equal pay.

In Hawaii, women are paid 86 cents for every dollar paid to men, amounting to a yearly wage gap of \$6,624 between men and women who work full time in the state. This gap is larger for women of color, especially Pacific Islander, African American and Latina women.

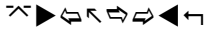
Hawaii women and families cannot afford discrimination and lower wages. Job creation and economic opportunity are critical issues for women, many of whom continue to struggle with economic insecurity and pay discrimination. Many Hawaii women are breadwinners and are responsible for the economic security of their families. Due to the wage gap, families, businesses and the economy suffer. Lost wages mean families have less money to spend on goods and services that help drive economic growth.

We need public policies such as HB1909, HD1 to address the gender wage gap. More than 50 years after passage of the federal Equal Pay Act of 1963, it's clear the pay gap is unlikely to go away on its own.

Wages overall are stagnating and the gender wage gap has barely budged over the last ten years. A new study from the Institute of Women's Policy Research shows that women will not see equal pay with men until 2058. Unfortunately, Hawaii has little protection, remedies, and preemptive action laws when it comes to Equal Pay Laws.

HB1909, HD1 will not only ensure that employees performing substantially similar work are paid equally, but will also remove stigma and negative consequences of discussing pay. We strongly support and encourage implementing a pay secrecy ban in efforts to eliminate pay discrimination. It is an important and necessary step in eliminating the persisting wage gap in our State.

Thank you for your consideration and for the opportunity to provide testimony on this matter.



FW: HWL Testimony: H.B. 1909, HD 1 - Relating to Equal Pay

-----Original Message-----

From: Anita J. Beasley [mailto:abeasley@awlaw.com]
Sent: Monday, February 29, 2016 12:10 PM
Subject: HWL Testimony: H.B. 1909, HD 1 - Relating to Equal Pay

H.B. 1909, HD 1 - Relating to Equal Pay

Hearing: Tuesday, March 1, 2016, 2:00 p.m.

Conference Room: 325

Position: Support

Anita J. Beasley
Legal Assistant, Government Affairs Group

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fax: (808) 533-4945

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Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Judiciary
Tuesday, March 1, 2016 at 2:00 P.M.
Conference Room 325, State Capitol**

LATE

RE: HOUSE BILL 1909 HD 1 RELATING TO EQUAL PAY

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 1909 HD 1, which amends the provisions for equal pay and sex discrimination for substantially similar work. Clarifies employer defenses. Prohibits employer actions regarding wage disclosure and applicant wage histories. Requires that employer advertisements include minimum rate of pay.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Not the Whole Picture

We support the equal pay in the workplace. However, like many difficult issues there is complexity. Supporters of this legislation often cite statistics that say that on average, women earn 77 cents on the dollar as compared to men. This often leads to the assumption that there must be wide spread wage discrimination by employers. However, this does not tell the whole picture or provide details on what is happening in the workplace. The 2009 report (see, U.S. Department of Labor, Consad Research Corporation, An Analysis of Reasons for the Disparity in Wages Between Men and Women) prepared for the U.S. Department of Labor, provides some insight into the factors that include the fact that a larger percentage of women work in part-time jobs, a larger percentage of women leave the work force at some point for family responsibilities to name a few.

Another telling report comes from Pew Research. Below are some of other parts of the story.

- The BLS study looks at weekly earnings and not hourly earnings which leads to a larger gap, especially since women are twice as likely as men to work part time.
- The BLS study restricts the estimate to full time workers which leaves out a significant share of workers, both men and women. Also men report working longer hours-26% of full time men say they work more than 40 hours per week compared with 14% of women.
- Occupation, negotiation of wages and tradeoffs of compensation for other amenities such as flexible work hours are other attributes for the wage differential.
- For young women the pay gap is smaller at 93%.



- The presence of discrimination—are more difficult to quantify.

Existing Law

It is already against the law for an employer to discriminate in setting employee wages based on gender. At the state level we have the Equal Pay Law, which clearly states that no employer shall discriminate based on gender when setting wages. At the federal level, the Equal Pay Act says that employers must pay equal wages to women and men in the same establishment for performing substantially equal work.

In 2009, Congress passed the Lilly Ledbetter Fair Pay Act, which extended the statute of limitations for filing an equal pay lawsuit. We believe these laws already cover the issue of gender wage discrimination.

No Due Process for Employers

We disagree and oppose the presumption that the employer is guilty of wage discrimination, and puts the burden of proof on them to prove their innocence. The bill amends Hawaii's Equal Pay Law to limit three allowable "bona fide" factors for wage differentials to a seniority system, a merit system, and an occupational qualification. This ties the hands of the employers in any legal flexibility in compensation.

This section could create many frivolous lawsuits against employers. Lawsuits (threatened or filed) have a substantial impact on small business owners. We have heard story after story of small business owners spending countless hours and sometimes significant sums of money to settle, defend, or work to prevent a lawsuit.

Sharing of Wage Information

While federal law protects certain sharing of wage information, the bill goes much farther than present federal law. We believe that this section could lead to morale problems in the workplace.

Other Reasons

In closing, we support the principle of equal pay, however we believe this legislation would ultimately impose enormous burdens and risks on employers; devalue important factors in establishing wages, such as training, experience, education, and skill; and expand litigation opportunities. Lastly it could tie the hands of employers in offering other benefits that employees may value for their own individual situation.

Please defer this bill.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 8:33 AM
To: JUDtestimony
Cc: mjimmermaid@aol.com
Subject: Submitted testimony for HB1909 on Mar 1, 2016 14:00PM

HB1909

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Jo Morrow	Individual	Comments Only	No

Comments: It's obvious there is a problem regarding equal pay, it's also obvious that Hawaii has the highest COLA. In Hawaii women make up half of our population, and in the work place should have equal pay. Wages in the work place for the same rank and jobs should be equal regardless of sex. This is discrimination at it's worse, because women are the foundations of the family.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 28, 2016 5:17 PM
To: JUDtestimony
Cc: PC70@cornell.edu
Subject: Submitted testimony for HB1909 on Mar 1, 2016 14:00PM

HB1909

Submitted on: 2/28/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Callahan	Individual	Support	No

Comments: Pay inequity is largely linked to poverty. If women's hourly earnings rose to the level of similarly qualified men, poverty rates among working families would be reduced by 50%. This is a real problem with real effects on our women and families.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 28, 2016 9:37 AM
To: JUDtestimony
Cc: amybrinker@mac.com
Subject: *Submitted testimony for HB1909 on Mar 1, 2016 14:00PM*

HB1909

Submitted on: 2/28/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 27, 2016 6:23 PM
To: JUDtestimony
Cc: mauimartha@gmail.com
Subject: Submitted testimony for HB1909 on Mar 1, 2016 14:00PM

HB1909

Submitted on: 2/27/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Martha E. Martin	Individual	Support	No

Comments: I support HB1909. Working women deserve equal pay for equal work. 53 years have passed since the Equal Pay Act, but women are earning less pay than men still. Please help women get equal pay now. My name is Martha Martin, of Paia, HI. address PO Box 790300, Paia, HI 96779 telephone 808-579-9019

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 9:39 AM
To: JUDtestimony
Cc: gkaiiasing@hotmail.com
Subject: *Submitted testimony for HB2631 on Mar 1, 2016 14:00PM*

HB2631

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
G Asi	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 9:04 AM
To: JUDtestimony
Cc: ken@kenkelson.com
Subject: *Submitted testimony for HB2631 on Mar 1, 2016 14:00PM*

HB2631

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Kelson	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 9:02 AM
To: JUDtestimony
Cc: macooper.1941@gmail.com
Subject: *Submitted testimony for HB2631 on Mar 1, 2016 14:00PM*

HB2631

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Max Cooper	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 8:56 AM
To: JUDtestimony
Cc: ehkaneshiro@gmail.com
Subject: *Submitted testimony for HB2631 on Mar 1, 2016 14:00PM*

HB2631

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Kaneshiro	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 8:41 AM
To: JUDtestimony
Cc: jonagustine_lim@yahoo.com
Subject: Submitted testimony for HB2631 on Mar 1, 2016 14:00PM

HB2631

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jonagustine Lim	Individual	Support	No

Comments: Legal residents have the same rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 2:15 PM
To: JUDtestimony
Cc: bradshields808@gmail.com
Subject: *Submitted testimony for HB1909 on Mar 1, 2016 14:00PM*

HB1909

Submitted on: 2/29/2016

Testimony for JUD on Mar 1, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bradley	Individual	Support	No

Comments:

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HB1909

Submitted on: 2/29/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Bradley	Individual	Support	No

Comments:

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