

STAND. COM. REP. NO.

619

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 675
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 675 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that
Hawaii's Anti-Discrimination Law does not prohibit or prevent an
employer from refusing to hire or refer or discharging an employee
for reasons unrelated to discriminatory practices, unequal pay,
criminal conviction records, and credit history.

Your Committee received testimony in support of this measure
from the Chamber of Commerce Hawaii, Society for Human Resource
Management-Hawaii Chapter, and one individual. Your Committee
received testimony in opposition to this measure from the Hawai'i
Civil Rights Commission; Hawaii State Commission on the Status of
Women; LGBT Caucus of the Democratic Party of Hawai'i; ILWU Local
142; Fujiwara & Rosenbaum, LLC; and one individual.

Your Committee finds that the employment practices laws under
sections 378-2, 378-2.3, 378-2.5, and 378-2.7, Hawaii Revised
Statutes, relate respectively to discriminatory practices, unequal
pay, criminal conviction records, and credit history. Your
Committee further finds that these sections prohibit employment
discrimination against individuals based upon protected
categories, but were not intended to prevent employers from taking



employment action for reasons unrelated to the categories protected in those sections.

Your Committee is concerned that this measure, as introduced, may result in unintended consequences and believes that discussion should continue as this measure moves forward to ensure the amendments to the Hawaii Revised Statutes align with the measure's intent.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that Hawaii's Anti-Discrimination Law does not prohibit or prevent an employer from refusing to hire or refer or discharging an employee pursuant to an employee agreement policy that is applied in a nondiscriminatory fashion; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

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. 675, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 675, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB675	Committee Referral: JDL	Date: 2/27/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado		✓		
THIELEN, Laura H.	✓			
TOTAL	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes