

STAND. COM. REP. NO.

2287

Honolulu, Hawaii

FEB 13 2018

RE: S.B. No. 2288
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2288
entitled:

"A BILL FOR AN ACT RELATING TO FAIR SCHEDULING,"

begs leave to report as follows:

The purpose and intent of this measure is to require Hawaii
employers to engage in fair scheduling practices, including
providing employees with written notice of the employee's shift
schedule at least ten calendar days before the employee is
scheduled to work, under certain conditions.

Your Committee received testimony in support of this measure
from Hawaii State AFL-CIO, Hawai'i Appleseed Center for Law &
Economic Justice, Labor Caucus of the Democratic Party of Hawai'i,
Vote Hawaii, and seven individuals. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu, Department of Human Resources; Chamber of Commerce
Hawaii; Hawaii Food Industry Association; Hawaii Restaurant
Association; National Federation of Independent Business; Society
for Human Resource Management - Hawaii Chapter; Boss Frog's Dive &
Surf; Hawaii Credit Union League; Quicksilver Charters; Fair Wind
Cruises; Ocean Tourism Coalition; and Tiki's Grill and Bar. Your
Committee received comments on this measure from the Department of
Public Safety.



Your Committee finds that providing advance notice of work schedules and any schedule changes allows employees to have more stability in their lives, including the ability to earn additional income when working more than one job, ensure childcare arrangements, schedule necessary errands and appointments, and be available for family events.

Your Committee has amended this measure by:

- (1) Inserting language to provide that fair scheduling requirements do not affect the rights of employees and employers under existing collective bargaining agreements;
- (2) Deleting language that would have exempted an employer from paying an employee double the rate of pay if the employee is required to work a shift to cover another employee's absence no more than once in a three-month period without ten calendar days' notice;
- (3) Inserting an effective date of January 1, 2045, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2288, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2288, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

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



JILL N. TOKUDA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* SB2288	Committee Referral: LBR, CPH	Date: 2/6/18		
<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
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
CHANG, Stanley	✓			
IHARA, Jr., Les	✓			
TANIGUCHI, Brian T.				✓
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes