

STAND. COM. REP. NO.

1185

Honolulu, Hawaii

MAR 01 , 2019

RE: H.B. No. 1192
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1192, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the protected classes under Hawaii's equal pay statute to be consistent with the state statute that prohibits employment discrimination;
- (2) Clarify the factors that can be used by employers to justify differences in compensation; and
- (3) Provide pay transparency by requiring employers to make salary range information available to employees and job candidates.

The Hawai'i State Commission on the Status of Women; LGBT Caucus; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; American Association of University Women of Hawaii; Hawaii Appleseed Center for Law & Economic Justice; Midwives Alliance of Hawaii; Aloha State Association of the Deaf; O'ahu County Democrats; Planned Parenthood Votes Northwest and Hawaii; and several individuals testified in support

HB1192 HD2 HSCR JUD HMS 2019-2835



of this measure. The Chamber of Commerce Hawaii; Ewa by Gentry Community Association; Fair Wind Cruises; TRUSTA, An Accountancy Corporation; Dole Food Co. Hawaii; and an individual testified in opposition to this measure. The Hawai'i Civil Rights Commission; Fujiwara & Rosenbaum, LLLC; and Hawaii Food Industry Association provided comments.

Your Committee has amended this measure by:

- (1) Adding a definition for "substantially similar work" for which equal pay is required;
- (2) Providing that prohibitions on employer retaliation or discrimination do not apply to discussion of employee wages if that knowledge stems from human resources, payroll, or legal professional responsibilities in the workplace; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that 21 other states have passed similar laws providing for equal pay.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1192, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1192, H.D. 2.

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



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1192, HD 1	Committee Referral: LAB, JUD	Date: 2/27/19		
<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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.				/
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
TOTAL (11)	7			4
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				