

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 34  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred H.B. No. 34, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WAGES,"

begs leave to report as follows:

The purpose and intent of this measure is to require that the foreperson classification be recognized in wage and hour requirements contained in statute and in collective bargaining agreements for laborers and mechanics on public works projects.

Your Committee received testimony in opposition to this measure from LiUNA. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, the foreman classification is not recognized under Hawaii's Davis-Bacon Act. Therefore, a foreman is not covered under a collective bargaining agreement when the agreement establishes the hourly rate. This measure therefore requires that the foreperson classification be covered under a collective bargaining agreement, which will provide wage protections for the foreperson classification and guarantee a level playing field for forepersons when working on a public works project.



Your Committee notes the concerns of the Department of Labor and Industrial Relations and LiUNA regarding the need for a definition of "foreperson" and the requirement that all entities submit a wage classification for forepersons. Amendments to this measure are therefore necessary to address the Department of Labor and Industrial Relations and LiUNA's concerns.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of "public work" upon the recommendation of the Department of Labor and Industrial Relations;
- (2) Adopting proposed language from LiUNA to clarify that the foreperson classification shall be recognized as a separate wage classification for public works project only if an organization with a collective bargaining agreement chooses to recognize the foreperson classification as a separate wage classification in the collective bargaining agreement and if so requested by the organization;
- (3) Adopting proposed language from the Department of Labor and Industrial Relations specifying that a foreperson is a laborer or mechanic who works on the project and directs the work of other laborers or mechanics; 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, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 34, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 34, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor, Culture and  
the Arts,




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BRIAN T. TANIGUCHI, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Labor, Culture and the Arts**  
**LCA**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB34, HD1</i>	<i>LCA, WAM</i>	<i>3-19-19</i>		
<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
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
GABBARD, Mike				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<i>3</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes