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# A BILL FOR AN ACT

RELATING TO FAIR SCHEDULING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that providing advance  
2 notice of work schedules and any schedule changes allows  
3 employees to have more stability in their lives, including the  
4 ability to earn additional income when working more than one  
5 job. More than one in four low-wage employees have nonstandard  
6 work schedules and about half report having little or no control  
7 over the timing of their work hours, according to the National  
8 Women's Law Center. Furthermore, many low-wage jobs often do  
9 not guarantee a minimum number of hours, expect open  
10 availability based on the employer's needs, and require working  
11 outside of 6:00 a.m. to 6:00 p.m. on weekdays.

12           The legislature further finds that scheduling practices  
13 known as fair scheduling can make a real difference in the lives  
14 of working people, especially for working parents and  
15 caregivers. Several jurisdictions in the United States have  
16 enacted fair scheduling legislation, including statewide  
17 requirements in Oregon and citywide requirements in Seattle and



1 New York City. In addition, many more jurisdictions are  
2 considering legislation to help employees obtain predictable  
3 work schedules.

4 The purpose of this Act is to require Hawai'i employers to  
5 engage in fair scheduling practices.

6 SECTION 2. Chapter 387, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 **"§387- Fair scheduling; advance notice of work schedule.**

10 (a) Every employer shall provide each employee with written  
11 notice of the employee's shift schedule at least ten calendar  
12 days before the employee is scheduled to work.

13 (b) Every employer shall pay an employee an amount equal  
14 to two times the employee's regular rate of pay for any time  
15 worked where the employee was not provided with ten calendar  
16 days written notice. This subsection shall not apply when the  
17 employee is the employer's brother, sister, brother-in-law,  
18 sister-in-law, son, daughter, spouse, parent, or parent-in-law.

19 (c) Notwithstanding any law to the contrary, this section  
20 shall not be construed to affect any employer or employee right  
21 under an existing collective bargaining agreement.



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1        (d) For the purposes of this section and notwithstanding  
2 section 387-1:

3        "Employee" includes any person suffered or permitted to  
4 work.


5        "Employer" includes any individual, partnership,  
6 association, corporation, business trust, legal representative,  
7 or any organized group of persons acting directly or indirectly  
8 in the interest of an employer in relation to an employee."

9        SECTION 3. If any provision of this Act, or the  
10 application thereof to any person or circumstance, is held  
11 invalid, the invalidity does not affect other provisions or  
12 applications of the Act that can be given effect without the  
13 invalid provision or application, and to this end the provisions  
14 of this Act are severable.

15        SECTION 4. New statutory material is underscored.

16        SECTION 5. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: 

JAN 17 2019



# H.B. NO. 83

**Report Title:**

Fair Scheduling; Work Schedule; Notice; Employee; Employer

**Description:**

Requires employers to provide 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.

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