



COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

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NOTICE OF HEARING

DATE: Thursday, January 31, 2019

TIME: 9:30am

PLACE: Conference Room 309

TESTIMONY OF THE OCEAN TOURISM COALITION IN SUPPORT OF HB1059

Chair Johanson, Vice Chair Eli, and Members of the LAB Committee:

My name is James E. Coon, President of the Ocean Tourism Coalition (OTC),
speaking in SUPPORT of HB 1059 Relating to Fair Employment Practices

The OTC represents over 300 small ocean tourism businesses state wide. All of them operate from State Boating Facilities managed by DLNR/DOBOR. Most of these are family businesses which are locally owned and operated.

The OTC Industry in Hawaii provides a wonderful gateway to the Professional Maritime Vocation. Non skilled individuals start at a deckhand level and eventually may become Master Mariners running the largest ships on earth.

Many of our OTC Businesses train the entry level crew in basic seamanship, lifesaving, enhanced in water skills, Hawaiian Cultural training, Customer Service, who then leave for other opportunities that will facilitate their career path. This upward mobility would be far more difficult if Non-Compete Agreements were in place.

OTC supports the intent of HB1059.

Sincerely,

James E. Coon, President OTC

HB-1059

Submitted on: 1/29/2019 8:04:15 PM

Testimony for LAB on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Frank DeGiacomo	Individual	Support	No

Comments:

LATE



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
January 31, 2019**

Re: HB 1059 Relating to Fair Employment Practices

Good morning Chairperson Johanson and members of the House Committee on Labor. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We are opposed to HB 1059 Relating to Fair Employment Practices. This bill prohibits non-compete agreements for low wage workers whose earnings do not exceed the greater of the hourly rate equal to the minimum wage required by applicable federal or state law or \$15 per hour.

Hawaii businesses are already over regulated and measures like this become deterrents for new businesses to come to the islands or for business to remain in operation here. Non-compete agreements should be at the discretion of the business to keep their interest protected

Business needs some safeguard from employees who leave the company to work for a competitor or opens up a similar competing business. In order to thrive and remain healthy, businesses need to maintain the ability to keep their “trade secrets and keys to success”, proprietary information, and client base, protected and not stolen or used against them.

With unemployment at a record low, there is an alarming trend for employees to leave a company within a week or month after being hired to work for a competitor. Now the employer has lost the investment of time and training of that employee and must reinvest in a replacement employee. Without a non-compete clause the company may worry that the employee that left may have taken the information that gave the company a competitive advantage.

Businesses need to be able to operate without the fear that their business model, plan, knowledge, secrets and advantages will not be used against them by a competitor.

We urge you to hold this measure. Mahalo again for this opportunity to testify.