

## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

April 7, 2021

### TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

#### Senate Bill 793, SD1, HD1 – Relating to the Minimum Wage

The Disability and Communication Access Board (DCAB) supports Senate Bill 793, SD1, HD1, Relating to the Minimum Wage, which repeals the exemption of persons with disabilities from minimum wage requirements.

Sub-minimum wage laws for workers with disabilities are pre-Civil Rights era laws intended to serve as a vehicle to full gainful employment. Given that no person in Hawaii is currently paid a sub-minimum wage, DCAB supports Senate Bill 793, SD1, HD1, because such laws no longer serve the purpose for which they were originally enacted. It is time for this practice to come to an end.

We urge passage of this bill. Thank you for this opportunity to offer testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

DAVID Y. IGE  
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
PRINCESS VICTORIA KAMĀMALU BUILDING  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

April 7, 2021

The Honorable Representative Sylvia Luke, Chair  
House Committee on Finance  
Thirty-First Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Luke and Committee Members:

**SUBJECT: SB793 SD1 HD1 Relating to Minimum Wage**

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB793 SD1 HD1** which repeals the exemption of persons with disabilities from minimum wage requirements.

Under the law, being “disabled” or “handicapped” allows an individual to be considered exempt from minimum wage within the State of Hawaii. The Council finds 14(c) certificate and the use of sub-minimum wage to be discriminatory against those with disabilities. The subminimum-wage law for workers with disabilities was enacted as part of the Fair Labor Standards Act (FLSA) in 1938, before the civil rights era. This Depression-era law was supposed to act as a steppingstone to full gainful employment. Sub-minimum wage was never intended to act as a safety net for individuals considered unable to work a minimum wage job. The Council finds sub-minimum wage as an employment tool to be archaic and a clear violation of individuals with disabilities civil rights.

Under the Fair Labor Standards Act of 1937; Section 14(a) and (b) makes people eligible for below-minimum wages because they perform a particular job (messengers) or are at a particular stage in their careers (learners, apprentices, students). Section 14(c), by contrast, denies people the right to earn a minimum wage for potentially any job, and at any point in their career, based solely on their own disability status. This is stereotyping, a prejudice against people with a disability.

Thank you for the opportunity to submit testimony **strongly supporting SB 793 SD1 HD1**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus  
Executive Administrator



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
[www.labor.hawaii.gov](http://www.labor.hawaii.gov)

April 7, 2021

To: The Honorable Sylvia Luke, Chair,  
The Honorable Ty J.K. Cullen, Vice Chair, and  
Members of the House Committee on Finance

Date: Wednesday April 7, 2021

Time: 1:30 p.m.

Place: Via Videoconference, Conference Room 308, State Capitol

From: Anne Eustaquio, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: S.B. No. 793 S.D.1 H.D.1 RELATING TO THE MINIMUM WAGE**

**I. OVERVIEW OF PROPOSED LEGISLATION**

This measure repeals the exemption of persons with disabilities from minimum wage requirements in Chapter 387, Hawaii Revised Statutes (HRS), Wage and Hour Law as well as in Chapter 103D, HRS, Hawaii Public Procurement Code.

The department offers comments on the proposal.

**II. CURRENT LAW**

§387-9, HRS Special minimum wages for learners; apprentices; full-time students; paroled wards of Hawaii youth correctional facility; handicapped workers allows the Director to issue special certificates for certain individuals to be paid at less than the minimum wage rate. §387-9(2) includes, "...individuals whose earning capacity is impaired by old age or physical or mental deficiency or injury,".

§12-20, Hawaii Administrative Rules (HAR), Subchapter 3 Employment of Handicapped Clients in Sheltered Workshops, and Subchapter 5 Employment of Handicapped Persons, permits the Director to issue special certificates for a period of time designated by the Director.

**III. COMMENTS ON THE SENATE BILL**

Currently there are five sheltered workshops with active special certificates permitting the payment of subminimum wages. All five are paying their employees at least the statutory minimum wage required under section 387-2, HRS.

Normally, a special certificate would not be required for these organizations since they pay at least the minimum wage.

Although these organizations pay all employees at least the statutory minimum wage of \$10.10 per hour, section 103D-1001, HRS, requires each of them to obtain a special minimum wage certificate from the DLIR for the entity to meet the definition of a "qualified community rehabilitation program", and be eligible to provide goods or services to public agencies. This measure removes the need for a special certification of a qualified community rehabilitation program by the Director.

TO: The Honorable Sylvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair and  
Members of the House Committee on Finance

FROM: Evan Nakatsuka, Chair  
State Rehabilitation Council

RE: SB 793, SD1, HD1 - Relating to the Minimum Wage

HEARING: Wednesday, April 7, 2021 at 1:30pm

POSITION: Support

Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance,

Thank you for the opportunity to provide testimony on behalf of the State Rehabilitation Council in support of SB 793, SD1, HD1.

The State Rehabilitation Council (SRC) gives advice to, and works in partnership with, the Hawaii Vocational Rehabilitation Program. The SRC was created and mandated by the Federal Rehabilitation Act of 1973 as amended in 1998. The Hawaii State Legislature implemented the SRC in section 348-8, HRS, to support individuals with disabilities. The SRC works in partnership with the Department of Human Services (DHS), Division of Vocational Rehabilitation (DVR) and monitors its performance with the goal of assisting individuals with disabilities to obtain, maintain, and advance in competitive, integrated employment.

With the goal of competitive, integrated employment in mind, the SRC supports the SB 791 HD 1 which repeals the exemption of persons with disabilities from minimum wage requirements in Chapter 387, Hawaii Revised Statutes (HRS), Wage and Hour Law as well as in Chapter 103D, HRS, Hawaii Public Procurement Code. The payment of individuals with disabilities below the minimum wage does not constitute competitive employment. Instead, DVR supports models and employment opportunities where people with disabilities are paid wages and benefits similar to those without disabilities performing the same work, and fully integrated with coworkers without disabilities.

Thank you for the opportunity to submit testimony on SB 793, SD1, HD1.

**SB-793-HD-1**

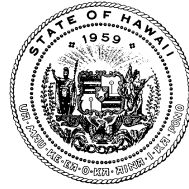
Submitted on: 4/6/2021 10:53:28 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stan Young	Hawaii State committee of Blind Vendors	Support	No

Comments:

Although a subminimum wage may help individuals with disabilities with training at the beginning of their careers, subminimum wages should not be allowed because it tends to lock those individuals down to low wages. All employers, including non-profits and government, should provide programs, training, and systems that can advance individuals with disabilities to make the minimum wage and beyond.



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB793 SD1 HD1  
RELATING TO MINIMUM WAGE.**

REPRESENTATIVE SYLVIA LUKE, CHAIR  
HOUSE COMMITTEE ON FINANCE

REPRESENTATIVE TY J.K. CULLEN, VICE CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: APRIL 7, 2021

Room Number: VIA  
TELECONFERENCE

1 **Department Position:** The Department of Health (Department) **SUPPORTS** this Measure.

2 **Department Testimony:** The subject matter of this measure falls within the scope of the  
3 Department's Behavioral Health Administration (BHA) whose statutory mandate is to assure a  
4 comprehensive statewide behavioral health care system by leveraging and coordinating public,  
5 private and community resources. Through the BHA, the Department is committed to carrying  
6 out this mandate by reducing silos, ensuring behavioral health care is readily accessible, and  
7 person centered. The BHA's Developmental Disabilities Division (DDD) provides the following  
8 testimony on behalf of the Department.

9 Under current law, being "disabled" or "handicapped" allows an individual to be considered  
10 exempt from minimum wage within the State of Hawaii. Sub-minimum wage for persons with  
11 disabilities began as a transitional tool to employ individuals with disabilities. This practice  
12 began in the 1930s and was supposed to act as a stepping stone to full gainful employment. Sub-  
13 minimum wage was never intended to act as a safety net for individuals considered unable to  
14 work a minimum wage job. DDD finds sub-minimum wage as an employment tool to be archaic  
15 and a detriment for individuals with disabilities to having the same rights as everyone else in

1 society. DDD is aware that there are non-profit agencies that currently hold 14c certificates.  
2 However, these agencies only do so because they are required under the procurement code to be  
3 considered a “Qualified Community Rehabilitation Program” (QCRP). The contracts that are  
4 given to QCRPs do not require the payment of sub-minimum wage.

5 New best practices of employment supports are customized and supported employment.  
6 Individuals with disabilities have the right to have opportunities to seek employment in  
7 integrated settings and to be paid competitive wages. The intent of employment supports is to  
8 maximize the individual’s skills, talents, abilities and interests to gain access to and maintain  
9 employment in the community, to advance in desired fields and to explore new employment  
10 options. Employment supports are provided in collaboration with Employment Specialists who  
11 have specialized training and the knowledge and competency to facilitate the coordination and  
12 delivery of customized and supported employment.

13 In a proclamation, recognizing October as National Disability Employment Awareness Month,  
14 Governor David Ige proclaimed Hawaii as an Employment First State. As an Employment First  
15 State, it is essential to provide equal rights and opportunities to individuals with disabilities to  
16 have access to competitive integrated employment.

17 Thank you for the opportunity to testify.

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**SB-793-HD-1**

Submitted on: 4/5/2021 1:53:57 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch, Sr.	Rainbow Family 808	Support	No

Comments:

Rainbow Family 808 strongly supports the passage of SB793. We believe it is essential to provide equal rights and opportunities to individuals with disabilities in employment. Please pass this bill. Thank you.

Mike Golojuch, Sr., Secretary/Board Member, Rainbow Family 808

**SB-793-HD-1**

Submitted on: 4/5/2021 4:52:13 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

A few years ago when this issue was being considered we expressed some concerns. In the intervening time, those concerns have been adequately addressed. Our understanding is that either literally nobody or virtually nobody in the state is being paid a sub-minimum wage. In light of that, it makes good sense to repeal it. It has become more and more a vestige of an older era and has ceased to serve the purpose for which it was originally created. The trend nationally is to generally eliminate it or at least phase this out in states where it may be more common. Given its lack of utilization anyway, it would be a good opportunity for Hawaii to showcase a leadership role on the issue. For those reasons we are now in strong support.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

April 7, 2021

TO: Rep. Sylvia Luke, Chair  
Rep. Ty J.K. Cullen, Vice Chair  
Members of the House Committee on Finance

FROM: Christy MacPherson, Director, PHOCUSED

SUBJECT: Testimony: Relating to the Minimum Wage

Hearing: April 7, 2021 at 1:30 pm  
Via videoconference

Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance,

Thank you for the opportunity to provide testimony in strong **support** of SB793, SD1 HD1.

PHOCUSED is a nonpartisan project of Hawai'i Appleseed Center for Law and Economic Justice and comprises health and human service organizations and the people they serve across the State of Hawai'i. We have been collaborating on advocacy with members of the disabled community, particularly focused on employment opportunities and self-sufficiency issues.

We believe that every worker in Hawai'i should be paid equally for equal work. Removing the sub-minimum wage certificate requirement needed in order to meet the definition of a QCRP is clearly the right thing to do in ensuring that employers are not in violation of the rights of persons with disabilities.

Thank you again for the opportunity to submit testimony on SB793, SD1 HD1.

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PHOCUSED IS A PROJECT OF HAWAII APPLESEED

733 BISHOP STREET, SUITE 1180 • HONOLULU, HI 96813 • (808) 587-7605 • PHOCUSED.ORG

**SB-793-HD-1**

Submitted on: 4/6/2021 9:40:30 AM

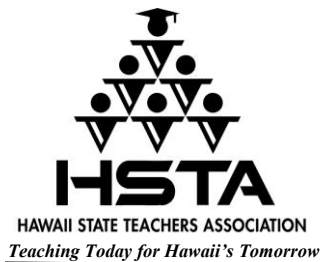
Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Young	National Federation of the Blind	Support	No

Comments:

Dear Chair Luke and committee members,

My name is Brandon Young, and I am representing the National Federation of the Blind of Hawaii. I would refer you to our prior testimony on this bill. Our organization is in support of ending the practice of sub minimum wages to people with disabilities here in Hawai and around our country. We appreciate you and your committee for taking the time to hear this bill. We would you urge you pass this bill to end this horrible practice that has gone on for too long. We thank you again for your time and hope you have a wonderful do.



Corey Rosenlee  
President  
Osa Tui Jr.  
Vice President  
Logan Okita  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE

RE: SB 793, SD1, HD1 – RELATING TO THE MINIMUM WAGE

WEDNESDAY, APRIL 7, 2021

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

The Hawaii State Teachers Association **strongly supports SB 793, SD1, HD1**, relating to the minimum wage. This bill repeals the exemption of individuals with disabilities from minimum wage requirements. Effective 12/25/2040. (HD1)

Hawai'i residents face the highest housing costs in the nation, at more than twice the national average. Minimum wage workers in the islands must complete 116 hours of work per week to afford a modest one-bedroom apartment at fair market value and 139 hours per week to afford a two-bedroom, which amounts to working 20 hours a day with no days off all year. **That's impossible for anyone, especially for individuals with disabilities with the current minimum wage exemption that allows them to be paid subminimum wages. This exemption needs to be repealed.**

**It is unacceptable that we allow disabled individuals to be paid a subminimum wage. Many of these individuals were once special education students, who were guaranteed a free and appropriate education under the Individuals with Disabilities Education Act and promised a life filled with opportunities to realize their full potential.** Yet, written in 1938, the Fair Labor Standards Act (FLSA) discriminates against people with disabilities by permitting employers to pay disabled workers less than the federal minimum wage. This provision is echoed in HRS §387-9, but **is based on the mistaken idea that disabled employees are less productive than their able-bodied colleagues.** Many employment programs have come about since the mid-20<sup>th</sup> Century to assist people with disabilities in acquiring and using essential job skills.

**A subminimum wage disrespects the contributions of disabled workers. Research shows that the subminimum wage model costs more, while inspiring lower rates of productivity. After more than seventy-five years of demonstrated failure, it is time to invest in more effective models of employment that are successful at advancing the workplace prospects of disabled individuals who were previously—and egregiously—thought to be unemployable.**



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee  
President

Osa Tui Jr.  
Vice President

Logan Okita  
Secretary-Treasurer

Wilbert Holck  
Executive Director

We believe that lawmakers have a moral responsibility to eliminate the subminimum wage for all workers, regardless of disability, so that everyone is treated equally under the law. Minimum wages are low enough, and problematic to begin with, thus allowing anyone to be paid subminimum wage is even worse.

**To ensure that our special needs children receive equal economic opportunities upon entering the workforce,** the Hawaii State Teachers Association asks your committee to support this bill.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
LABOR & TOURISM

RE: SB 793, SD1, HD1 – RELATING TO THE MINIMUM WAGE

WEDNESDAY, APRIL 7, 2021

MITZIE HIGA, LEGISLATIVE CHAIR  
DEMOCRATIC PARTY OF HAWAII LABOR CAUCUS

Chair Luke and Members of the Committee:

The Democratic Party of Hawaii Labor Caucus **supports SB 793, SD1, HD1**, relating to the minimum wage. This bill repeals the exemption of individuals with disabilities from minimum wage requirements. Effective 12/25/2040. (HD1)

Hawai'i residents face the highest housing costs in the nation, at more than twice the national average. Minimum wage workers in the islands must complete 116 hours of work per week to afford a modest one-bedroom apartment at fair market value and 139 hours per week to afford a two-bedroom, which amounts to working 20 hours a day with no days off all year. That's impossible for anyone, especially for individuals with disabilities.

**It is unacceptable, then, that we allow disabled individuals to be paid a subminimum wage.** Many of these individuals were once special education students, who were guaranteed a free and appropriate education under the Individuals with Disabilities Education Act and promised a life filled with opportunities to realize their full potential. Yet, **written in 1938, the Fair Labor Standards Act (FLSA) discriminates against people with disabilities by permitting employers to pay disabled workers less than the federal minimum wage. This provision is echoed in HRS §387-9, but is based on the mistaken idea that disabled employees are less productive than their able-bodied colleagues.** Many employment programs have come about since the mid-20<sup>th</sup> Century to assist people with disabilities in acquiring and using essential job skills.

**A subminimum wage disrespects the contributions of disabled workers. Research shows that the subminimum wage model costs more, while inspiring lower rates of productivity.** After more than seventy-five years of demonstrated failure, it is time to invest in more effective models of employment that are successful at advancing the workplace prospects of disabled individuals who were previously—and egregiously—thought to be unemployable.

We believe that lawmakers have a moral responsibility to eliminate the subminimum wage for all workers, regardless of disability, so that everyone is treated equally under the law.

To ensure that all of our workers receive equal economic opportunities, we ask your committee to **support** this bill.

**SB-793-HD-1**

Submitted on: 4/6/2021 11:00:01 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Webb	Hawaii Self Advocacy Advisory Council Maui chapter	Support	No

Comments:

Aloha Representative Luke,

I'm Robert Webb, Legislative Liaison for Maui chapter Self Advocacy Advisory Council (SAAC).

We support this bill because it is wrong to be Discriminated agianst just because you have a disability. Being paid less than minimum wage is discriminitory.

Mahalo,

Robert Webb





**Statement of the Democratic Party of Hawai'i  
In Support of SB793 SD1 HD1, Relating to the Minimum Wage**

The [Democratic Party of Hawai'i](#) supports SB793 SD1 HD1, Relating to the Minimum Wage, to the extent that it aligns with our Party's [platform](#). The bill would repeal the exemption of individuals with disabilities from minimum wage requirements and would be effective 12/25/2040.

In 2018, the Democratic Party of Hawai'i passed Resolution GOV:2018-05, which calls upon the legislature to pass new legislation permanently discontinuing the issuance of special wage certificates from the State Department of Labor and Industrial Relations allowing employers to pay subminimum wages to workers with disabilities in accordance with Section 214(c) of the Fair Labor Standards Act and amending Section 103D-1001, Hawai'i Revised Statutes, by amending the definition of "qualified community rehabilitation program" by striking out the language involving payment of subminimum wages to workers with disabilities, thus including workers with disabilities in Hawai'i in the State minimum wage requirements.

Mahalo nui for the opportunity to provide these comments in support of this important bill.

*Tyler Dos Santos-Tam  
Chairperson*

P.O. Box 4777  
Kaneohe, HI 96744

April 7, 2021

The Honorable Sylvia Luke, Chair  
House Committee on Finance  
Hawaii State Capitol  
415 S. Beretania Street, Room 312  
Honolulu, Hawaii 96813

RE: SB 793 SD1, HD1 Relating to Minimum Wage

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee,

My name is Debbra Jackson and I am retired staff person of the Disability and Communication Access Board, a small business owner, an individual with a disability, member of the Legislative Deaf and Blind Task Force (sponsored by Senator Rhoads), and a disability advocate. I am writing today in **support** of SB 793, SD1, HD1. The intent of the bill is to repeal the exemption of person with disabilities from minimum wage requirements. HD1's first 2 changes are unnecessary to SD1 of the original bill.

I earned a Master of Science degree from the University of Tennessee with a specialty in Vocational Rehabilitation. I obtained this degree is because I felt everyone, with or without a disability, can and should be encouraged to work. If a person meets the minimum qualifications for a job and he or she performs competitive work, their pay should be the same as everyone else who holds a similar position. Paying people sub-minimum wage is discriminatory. Paying a sub-minimum wage is an outdated concept predicated on the notion that a person with a disability cannot do equal work for equal pay.

Prior to my retirement at the end of 2019, I worked for more than 5 years contracting with two people with disabilities to staff an exhibit booth with me at Oahu Community Emergency Preparedness fairs. These two individuals were very dependable, reliable, and loyal to their mission to educate the community about people with intellectual/developmental disabilities and their ability to contribute during an emergency. It never occurred to me to pay each of them less than minimum wage for the work performed. People are able to achieve what we expect of them when provided with a positive attitude, training and opportunity to succeed. I urge you to repeal this discriminatory practice from the statute.

Thank you for the opportunity to testify.

Sincerely,

Debbra L. Jackson  
Owner  
Alii Interpreting Service, LLC

**SB-793-HD-1**

Submitted on: 4/6/2021 12:50:22 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Shaku	HHHRC	Support	No

Comments:



April 7, 2021

To: House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair, and  
Members of the Committee on Finance

Re: SB 793, SD1, HD1– RELATING TO THE MINIMUM WAGE

Meeting: Wednesday, April 7, 2021, 1:30 p.m., Room 308 via videoconference

Position: **STRONG SUPPORT**

Aloha, Chair Luke, Vice Chair Cullen, and members of the Committee on Finance:

The Health Committee of the Democratic Party of Hawai‘i is in **STRONG SUPPORT** of SB 793, SD1, HD1 which repeals the exemption of individuals with disabilities from minimum wage requirements. This bill has an effective of 12/25/2040.

The purpose of the Act is to repeal existing law that exempts individuals with disabilities from minimum wage requirements as a cost neutral initiative with great positive impact on the lives of individuals with disabilities.

The Democratic Party of Hawai`i (Party) has adopted at its 2018 State Convention, clear healthcare safeguards to help protect against poverty and hunger in our community. At pages 1 and 2 of the Party Platform, it specifically adopts the 17 United Nations Development Goals and provides:

“Based on the 17 United Nations Sustainable Development Goals, we also join in support of the following:

1. End poverty in all its forms everywhere;
2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture;
3. Ensure healthy lives and promote well-being for all at all ages; . . .
8. Promote inclusive and sustainable economic growth, full and productive employment, and living wage for all; . . .



April 7, 2021

Page 2

10. Reduce inequality among our people and communities; . . .
16. Promote peaceful and inclusive societies, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels; . . .”

Further, at pages 1 and 2 of the Party Platform, it also specifically provides for people with disabilities as follows:

**RAISE INCOME AND RESTORE ECONOMIC SECURITY FOR THE MIDDLE CLASS RAISING WAGES**

We believe that the current minimum wage is a starvation wage and must be increased to a living wage. No one who works full time should have to raise a family in poverty. We should earn at least \$15 an hour and have the right to form or join a union and will work in every way we can – in Congress and the Federal government, in the State Legislature and with the private sector – to reach this goal. We also support creating one fair wage for all workers by ending the sub-minimum wage for tipped workers and people with disabilities.

As described in SB 793, SD1, HD 1, Section 14(c) no longer fulfills its original intent and runs contrary to the American with Disabilities Act, which was enacted subsequently. Section 14(c) is an outdated law that only serves to perpetuate misinformation, stigma, and stereotypes of individuals with disabilities.

We strongly urge you to PASS SB 793, SD1, HD1 as it complies specifically with fighting poverty and hunger under Goals 1-3, 8, 10, and 16 of the 17 United Nations Sustainable Development Goals as adopted by the Democratic Party of Hawai`i Platform (2018).

SB 793, SD 1, HD1 repeals the exemption of individuals with disabilities from minimum wage requirements and it is consistent with Goals 1-3, 8, 10, and 16 the of the 17 United Nations Sustainable Development Goals as adopted in the Democratic Party Platform, supra.

Thank you very much for this opportunity to testify on this key issue.

Respectfully yours,

Melodie Aduja  
Chair, Health Committee  
Democratic Party of Hawai`i  
Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

**SB-793-HD-1**

Submitted on: 4/6/2021 1:04:49 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristen Alice	HOPE Services Hawai'i	Support	No

Comments:

Hope Services Hawai'i strongly supports this bill.

**SB-793-HD-1**

Submitted on: 4/6/2021 1:18:33 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Derwin Teranishi	Hawaii Clubhouse Advocacy Coalition	Support	No

Comments:

Aloha and I attend Waipahu Aloha Clubhouse. I am also a member of the Hawaii Clubhouse Advocacy Coalition. I am in support of this bill.

All employees should have the same minimal pay and shouldnt be paid according to a disposition or disability. Should there be a tax incentive, this can be looked at. If modified training or tasks can be implimented, then this is another option. Someones integrity and character shouldnt be assumed, questioned or degraded.

Thank you,

Derwin Teranishi (HCAC)



## TESTIMONY IN SUPPORT OF SB 793, SD 1, HD 1

TO: Chair Luke, Vice-Chair Cullen, and Finance Committee Members

FROM: Nikos Leverenz  
Grants, Development & Policy Manager

DATE: April 7, 2021 (1:30 PM)

**LATE**

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Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 793, SD 1, HD 1, which release the exemption of individuals with disabilities from minimum wage requirements. As noted by the Hawai'i State Council on Developmental Disabilities, the sub-minimum wage is a Depression-era law that was meant to help facilitate full-time gainful employment. Today it is an "archaic" employment tool and "a clear violation of individuals with disabilities' civil rights."

HHRC works with many individuals who are impacted poverty, housing instability, and other social determinants of health. These persons include those on O'ahu living with HIV. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions.

Income is the most important determinant of health, with those living in poverty having less access to routine medical care, higher rates of chronic diseases, and shortened life expectancies. Poverty reinforces the accumulation of [adverse childhood experiences correlating with unfavorable health outcomes](#) in adulthood.

[Hawai'i's poverty rate prior to the pandemic was just over 11% of the total population, with substantially higher percentages among Native Hawaiians \(15.5%\), Samoans \(20.4%\), Tongans \(16.2%\), Marshallese \(51.1%\), Vietnamese \(18%\), and Native Americans \(18.1%\).](#) Hawai'i should recalibrate its tax structure through measures like those advanced this session by the [Hawai'i Tax Fairness Coalition](#) in order help ensure that downturns in state and local tax revenues do not fall the hardest on those who are already below the poverty line.

Notably, Hawai'i has a relatively low minimum wage regardless of cost of living. We currently trail states like Arkansas, which has minimum wage of \$11. We support an increase in the minimum wage to at least \$15, which will significantly improve the quality of life for those working in the service and retail sectors of Hawai'i's economy.

Thank you for the opportunity to testify on this measure.



**LATE**

**SB-793-HD-1**

Submitted on: 4/6/2021 3:48:06 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaikea K. Blakemore	Neighborhood Place of Puna	Support	No

Comments:

Countless families in Hawai'i are food insecure and may experience housing instability due to the increasing cost of living and gentrification coupled with long-term stagnating wages. The living wage in Hawaii is now close to \$20/hour. It is an insult to our communities who are paid less than survival wages, and an insult to taxpayers who must supplement companies who do not pay living wages through welfare programs. Each year we speak of the "revolving door of homelessness" where when one family is housed another falls into housing instability. This will continue as long as we allow the cost of living to increase without considering our stagnated minimum wage.

No one who works full time should face homelessness or hunger, Please raise the minimum wage to this level and beyond. \$12/hour is not even enough to live on in Hawai'i, let alone \$10.10. For anyone who has children who grew up in the islands and wonders why youth must leave home to make a living, stalled laws like these are a large share of the blame. For those who wonder how we will ever address our housing and homeless and food insecurity crises in Hawai'i, addressing situations like this are imperative. If we have no affordable housing and no living wages these issues will continue and will always remain. Our family shelter is often full, and Covid-19 showed us how little safety net exists for our communities. Please prioritize our majority of workers over the minority interests of business owners by supporting this bill with amendments to raise the minimum wage to living wage standards.

Kaikea Kaleikini Blakemore

Community Development Specialist

Neighborhood Place of Puna

**LATE**

**SB-793-HD-1**

Submitted on: 4/7/2021 8:58:39 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alex McClurg	Waimea Easterseals Hawaii	Support	No

Comments:

Aloha Representative Sylvia Luke, Chair, Representative Ty J. K. Cullen, Vice Chair, and Committee Members:

My name is Alexandra McClurg.

Thank you for this opportunity to provide testimony in Support regarding SB793/SD.1/HD.1.

I am from Waimea Easterseals Hawaii from the island of Kauai and I support the bill SB793 because being paid less I will not be able to purchase things that I would like to have, having more earned money I would feel comfortable to be able to provide for myself without having to ask for help. I think we should get treated the same as a normal person, being that I have a disability does not mean I can not do what a normal person does.

**LATE**

**SB-793-HD-1**

Submitted on: 4/7/2021 9:13:38 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Travis Planas	Waimea Easterseals Hawaii	Support	No

Comments:

Aloha Representative Sylvia Luke, Chair, Representative Ty J. K. Cullen, Vice Chair, and Committee Members:

My name is Travis Planas.

Thank you for this opportunity to provide testimony in Support regarding SB793/SD.1/HD.1.

I am from the Waimea Easterseals Hawaii Service, from the Island of Kauai and I support the Sub-Minimum Wage Bill because I can do the same amount of work as a normal person. I want to be able to purchase things that I normally can't afford if I get paid less.

**SB-793-HD-1**

Submitted on: 4/5/2021 1:40:18 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Will Caron	Individual	Support	No

Comments:

Aloha committee members, I strongly support this bill as a matter of basic workers' dignity and human rights. A person with disabilities deserve the same respect and labor protections as any other person and it is an injustice that current law allows them to paid a subminimum wage. Workers with disabilities deserve solidarity and the opportunity to earn a minimum wage. Please pass this bill! Mahalo!

**SB-793-HD-1**

Submitted on: 4/5/2021 4:59:28 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Oana	Individual	Comments	No

Comments:

Thank you for the opportunity to provide comments to this bill.

While I fully support repealing the exemption of individuals with disabilities from minimum wage requirements, the effective date of the proposed bill being in 2040 is unacceptable. That's 19 more years of individuals with disabilities having to earn less than minimum wage for the same work that others do.

The law should instead take effect this year.

**SB-793-HD-1**

Submitted on: 4/6/2021 10:37:50 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua Boutney	Individual	Support	No

Comments:

Please pass this bill, it should not be legal to pay someone like me less, just because I have a disability. Thank you

Thank you Chair Luke and Committee Members

I am in strong support of Senate Bill 793

It violates my and other people with disabilities  
civil rights to legally pay me less JUST because  
we have a disability.

Please pass Senate Bill 793

Thank you

Raynell Mole

Hoku Burrows

Testimony before the COMMITTEE ON FINANCE

Hawaii State House of Representatives, Thirty-First Legislature, Regular Session of 2021

APRIL 7, 2021, 1:30 p.m. Hearing on SB793, SD1, HD1

Good morning Mr. Chairman, vice chair, and committee members. My name is Hoku burrows, a blind woman residing at in Honolulu. I am a long time active member of The National Federation of the Blind of Hawaii.

I stand in strong support of SB793, SD1, HD1 relating to the minimum wage and support the position of The National Federation of the Blind of Hawaii.

Please pass SB793, SD1, HD1. Mahalo nui loa for considering my testimony.



Jaclyn Borsa

Testimony before the COMMITTEE ON FINANCE

Hawaii State House of Representatives, Thirty-First Legislature, Regular Session of 2021

APRIL 7, 2021, 1:30 p.m. Hearing on SB793, SD1, HD1

Good morning Mr. Chairman, vice chair, and committee members. My name is Jaclyn Borsa, a blind woman residing at in Ewa Beach. I am an active member of The National Federation of the Blind of Hawaii.

I stand in strong support of SB793, SD1, HD1 relating to the minimum wage and support the position of The National Federation of the Blind of Hawaii.

Please pass SB793, SD1, HD1. Mahalo nui loa for considering my testimony.

Katie Keim

Testimony before the House COMMITTEE ON FINANCE

Hawaii State House of Representatives, Thirty-First Legislature, Regular Session of 2021  
April 7, 2021, 1:30 p.m. Hearing on SB793

Good Afternoon Chair, vice chair, and committee members. My name is Katie Keim a blind business woman and a member of The National Federation of the Blind of Hawaii. I reside at 2943 Kalakaua Avenue in Honolulu.

I stand in strong support of SB793 relating to the minimum wage and support the position of The National Federation of the Blind of Hawaii.

I became blind in 1995, having been a fully sighted working adult in my trade with a Master's Degree in Design. Upon completion of my rehabilitation, I was put through an evaluation to determine my aptitude and ability to work. Although I passed the evaluation with a 5 star grade reflecting I was able to pursue any career of my choosing, the counselor suggested I work in a sheltered environment receiving a less than minimum wage until I could achieve an output of production that was undetermined. It was an insult to my knowledge, experience and results of their evaluation yet the standard practice to start any disabled individual out on their career path at that time.

I chose not to follow the advice of the counselor and today continue to achieve a full and rich career of my own making. I am an owner and officer of a Hawai'i corporation 100% owned by disabled individuals, with over 90 employees serving our federal government. Imagine where I would be today if I had followed the counselors advice in 1995? The statistics show the majority of disabled individuals placed in working environments certified to pay sub-minimum wages, are still there today not having ever moved beyond due to the less than low expectations from their supervisors.

12 years ago, I was an employment specialist for the DHS, Division of Vocational Rehabilitation. As a professional, it was my essential function to ensure disabled individuals were placed in jobs and received a fair and equal pay for their work. It always struck me as odd that I an individual who is disabled, was questioned on the abilities of the individual I represented, yet many of the individuals merits of expertise, far exceeded mine.

It is well past time the disabled are paid a fair and equal wage, doing away with a inhumane and archaic law that allows exemptions to be made paying less than minimum wages to the disabled of Hawaii.

Please pass SB793 which will protect working disabled individuals with a fair and equal living wage. Mahalo for your commitment to our community and consideration of my testimony.

Virgil Stinnett

Testimony before the House COMMITTEE ON FINANCE

Hawaii State House of Representatives, Thirty-First Legislature, Regular Session of 2021

April 7, 2021, 1:30 p.m. Hearing on SB793

Good Afternoon Chair, vice chair, and committee members. My name is Virgil Stinnett, a blind entrepreneur and a leader and member of The National Federation of the Blind of Hawaii. I reside at 2943 Kalakaua Avenue in Honolulu.

I stand in strong support of SB793 relating to the minimum wage and support the position of The National Federation of the Blind of Hawaii.

Please pass SB793. Mahalo for your consideration of my testimony.

Debra Braiman  
Testimony before the House COMMITTEE ON FINANCE

Hawaii State House of Representatives, Thirty-First Legislature, Regular Session of 2021  
April 7, 2021, 1:30 p.m. Hearing on SB793

Good Afternoon Chair, vice chair, and committee members. My name is Debra Braiman, a blind woman residing in Honolulu at 728 Kinau Street. I am a member of The National Federation of the Blind of Hawaii.

I stand in strong support of SB793 relating to the minimum wage and support the position of The National Federation of the Blind of Hawaii.

Please pass SB793. Mahalo for considering my testimony.

**SB-793-HD-1**

Submitted on: 4/6/2021 11:26:54 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann Lemke	Individual	Support	No

Comments:

Dear Finance Committee Chair, Vice Chair, and Members,

Please support SB793, SD1, HD1, which eliminates the payment of subminimum wages to persons with disabilities. I am a member of the National Federation of the Blind of Hawaii and I wholeheartedly support the testimony that has been submitted representing our long-standing opposition to employment practices such as the payment of sub-minimum wages that have the effect of marginalizing the persons receiving such compensation.

Thank you for considering my testimony supporting SB793, SD1, HD1.

MY NAME: PILI TE'O

I AM AN INDIVIDUAL WITH INTELLECUAL DEVELOPEMENTAL DISABILITY. TO MY BEST AND CONCERN ABOUT MINIMUM WAGES DISRIMINATION I WOULD LIKE TO ACKNOWLEDGE FOR EVERY DISABILITY WHO ARE PERSON TO PERSON DISABLE WHO ALSO HAVE THE RIGHT TO WORK EQUALLY RIGHTS IN THE UNITED STATE OF HAWAII?

TO MY BEST UNDERSTANDING IS EVERY DISABLE PERSON SHOULDN'T BE STRUGGLING WORKING IN EVERY UNITED STATE OF AMERICA IT'S THE DREAM OF ACHIEVING THEIR GOALS AS EQUAL RIGHTS AND TO ACCOMPLISHMENT MINIMUM WAGES INSTEATED OF DISCRIMINATION TO ME IF EVERY ONE JUST BE KIND TO ONE ANOTHER THERE WOULD BE A BETTER PLACE. THEN THERE WON'T BE STUGGLING OR DISCRIMINATION AS OUR OWN INDIVIDUAL DEVELOPMENTAL DISABILITY LIVES.

IT'S KIND OF HARD-TO-FIND JOB TO BE EQUAL AS ONE. THE RIGHT OF THE INDIVIDUALLY DEVELOPMENTAL DISABILITY PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSE, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHS AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SURPORTED BY OATHOR EFFIRMATIION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZURES.

**SB-793-HD-1**

Submitted on: 4/6/2021 11:48:51 AM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Moises	Individual	Support	No

Comments:

I am in support of this bill.

**SB-793-HD-1**

Submitted on: 4/6/2021 1:15:55 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tammy Robar	Individual	Support	No

Comments:

My name is Tammy Robar and I am a blind woman living in Ewa Beach. I am in support of SB 793. I am also a member of the National Federation of the Blind of Hawaii. I hope you consider the testimony of The National Federation of the Blind of Hawaii very seriously. SB793 will prohibit payment of below the minimum wage in the case of people with disabilities in Hawaii.



**LATE**

**SB-793-HD-1**

Submitted on: 4/6/2021 2:54:23 PM

Testimony for FIN on 4/7/2021 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tim Renken	Individual	Support	No

Comments:

My name is Tim Renken and I am an individual with a developmental disability. I am writing today in STRONG SUPPORT of SB 793 SD1 HD1.

Paying people sub-minimum wage is discriminatory and wrong. You pay us below the minimum wage just because we have a disability. You cannot do this to any other group, just people with disabilities. It is not right that just because I have a disability I could be paid sub-minimum wage.