



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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February 2, 2022

To: The Honorable Brian T. Taniguchi, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Labor, Culture and the Arts

Date: Wednesday, February 2, 2022

Time: 3:00 p.m.

Place: Conference Room 225, State Capitol & Videoconference

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

Re: S.B. 2298 RELATING TO WAGES

I. OVERVIEW OF PROPOSED LEGISLATION

SB2298 proposes to amend sections 387-12(a) and 388-10 (b), Hawaii Revised Statutes (HRS), by increasing the penalty for violation of wage laws to a class C felony from a misdemeanor.

The DLIR offers comments.

II. CURRENT LAW

Section 387-12(a), HRS, provides for a criminal fine of no less than \$500 nor more than \$5,000, or imprisonment for up to one year, or both fine and imprisonment, to any employer, employer's agent, or any officer or agent of a corporation who agrees to or pays an employee less wages than the employee is entitled to under the Wage and Hour Law.

Section 387-12(b), HRS, provides for a non-criminal penalty to any employer who violates any provision of Sections 387-2 and 387-3 whereby the employer shall be liable to the employee in the amount of their unpaid minimum wages or unpaid overtime compensation, and in case of wilful violation in an additional equal amount as liquidated damages.

Section 388-10(a), HRS, provides for a non-criminal, administrative penalty be imposed on any employer who fails to pay wages in accordance with Chapter 388, HRS, or violates this chapter or the administrative rules. The employer shall be liable: 1) to the employee, in addition to the wages legally proven to be due, for a sum equal to the amount of unpaid wages and interest at a rate of six per cent per

year from the date that the wages were due; and 2) for a penalty of not less than \$500 or \$100 for each violation, whichever is greater.

Section 388-10(b), HRS, provides for a criminal fine of not less than \$100 nor more than \$10,000, or imprisonment for not more than one year or both fine and imprisonment, to any employer, employer's agent, or any officer or agent of a corporation who fails to pay an employee's wages in accordance with the Payment of Wages and Other Compensation Law.

III. COMMENTS ON THE SENATE BILL

This measure would require the Department of the Attorney General to criminally charge those that violate the Wage and Hour and Payment of Wages and Other Compensation Laws. Currently, the Wage Standards Division conducts investigations and issues notices of violations with civil penalties as an administrative remedy.



Randy Perreira
President

HAWAII STATE AFL-CIO

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The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Labor, Culture, and the Arts

Testimony by
Hawai'i State AFL-CIO
February 2, 2022

S.B. 2298 – RELATING TO WAGES

The Hawai'i State AFL-CIO is a state federation of 74 affiliate local unions and councils with over 68,000 members across both public and private sectors. We appreciate the opportunity to testify in **support** of S.B. 2298.

Hawai'i's most economically vulnerable workers are job insecure and deterring wage theft protects low-wage earners. While raising the minimum wage is one way to lift low-wage earners up, ensuring their lawfully earned wages make it into their pockets is another key strategy of support.

By holding employers who violate wage and hour laws accountable, we protect and elevate our most economically vulnerable workers.

We appreciate your consideration of our testimony and strongly urge passage of S.B. 2298.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira
President

SB-2298

Submitted on: 2/1/2022 9:48:47 AM

Testimony for LCA on 2/2/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work - Hawai'i, the state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, supports SB 2298.

Mahalo nui loa for your time and consideration,

Pride at Work - Hawai'i

IATSE LOCAL 665

FILM, TELEVISION, STAGE, PROJECTION AND TRADESHOWS
Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Labor, Culture, and the Arts

Testimony by
IATSE Local 665
February 1st, 2022

S.B. 2298 - RELATING TO WAGES

Aloha Chair Taniguchi, Vice Chair Ihara, and members of the Senate committee,

My name is Tuia'ana Scanlan, President of IATSE Local 665. Local 665 represents Entertainment Technicians in Stagecraft, Tradeshow & Conventions, and Film/TV industries across the State of Hawaii. Thank you for addressing this important issue. **We submit this testimony in strong support of S.B. 2298.**

Wage theft is an abhorrent crime that adversely affects the working families of Hawai'i and, by association, the state of Hawai'i. It is imperative that safeguards are implemented to prevent the continued disenfranchisement of the backbone of our economy - the people who toil day in and day out to create a better life for themselves and their communities. State labor laws can and should be strengthened for this purpose.

It is for these reasons that we **support S.B. 2298**. Thank you for the opportunity to testify.

Respectfully,



Tuia'ana Scanlan
President, IATSE Local 665
he/him/his

HAWAII PORTS MARITIME COUNCIL

affiliated with

Maritime Trades Department

AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATION

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Member Unions:

February 1, 2022

*International Brotherhood of
Boilermakers, Iron Ship
Builders, Blacksmiths,
Forgers and Helpers
Lodge 627*

Senate Committee on Labor, Culture and the Arts
Honorable Brian Taniguchi, Chair

*International Brotherhood of
Electrical Workers Local 1260*

Honorable Les Ihara, Vice Chair

Members of the Senate Committee on Labor, Culture and the Arts

*International Union of
Elevator Constructors
Local 126*

RE: S.B. 2298 Relating to Wages

*Hawaii Government
Employees Association,
AFSCME Local 152*

The Hawaii Ports Maritime Council strongly supports passage of S.B. 2298. We should be holding employers who violate wage and hour laws accountable to protect our most economically vulnerable workers. Protecting low wage workers from theft of their earned wages is the concern of the entire Labor community. Therefore, we urge passage of S.B. 2298.

*Hawaii Pilots Association,
MM&P Pilots Division*

*Inlandboatmen's Union
of the Pacific*

*International Longshore and
Warehouse Union Local 142*

Respectfully,

*Laborers' International Union
of North America Local 368*



*Marine Engineers'
Beneficial Association*

Randy Swindell
President

*Marine Firemen,
Watertenders, Oilers & Wipers*

*Masters, Mates and Pilots,
Offshore Division*

Sailors' Union of the Pacific

Seafarers International Union

*United Food and Commercial
Workers International Union
Local 480*

