

MAR 10 2023

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO  
CONDUCT A STUDY OF THE EXEMPTIONS TO HAWAII'S MINIMUM WAGE  
LAW.

1           WHEREAS, a living wage is a human right; and

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3           WHEREAS, by Act 114, Session Laws of Hawaii 2022, the State  
4 incrementally increased Hawaii's minimum wage from \$12 per hour  
5 beginning October 1, 2022, to \$18 per hour beginning January 1,  
6 2028; and

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8           WHEREAS, numerous exemptions to Hawaii's minimum wage law  
9 are contained in section 387-1, Hawaii Revised Statutes, which  
10 lists occupations that are excluded from the applicable  
11 definition of "employee"; and

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13           WHEREAS, these exemptions include agricultural employees at  
14 farms employing less than twenty people, individuals engaged in  
15 coffee harvesting, domestic caretakers, administrative and  
16 supervisory employees, persons engaged in catching or harvesting  
17 fish, student employees of nonprofit schools, and many others;  
18 and

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20           WHEREAS, while the federal Fair Labor Standards Act has  
21 declared certain jobs to be exempt from state and federal  
22 minimum wage laws, many modern scholars have argued that these  
23 provisions of the Fair Labor Standards Act promote racism,  
24 sexism, and pay discrimination; and

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26           WHEREAS, according to the National Low-Income Housing  
27 Coalition's Out of Reach 2022 report, a minimum wage employee  
28 must work one hundred twenty-three hours per week to afford a  
29 modest one-bedroom rental home at fair market rent in Hawaii;  
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WHEREAS, according to the Out of Reach 2022 report, a minimum wage employee must work one hundred sixty-one hours per week to afford a two-bedroom rental home at fair market rent in Hawaii; and

WHEREAS, over sixty percent of households in the islands are severely cost burdened, meaning that they pay more than thirty percent of their income on housing, a number that rises to over eighty percent for extremely low-income households; and

WHEREAS, this body finds that the exemptions to Hawaii's minimum wage law should be evaluated to determine if modifications are appropriate to ensure that working families are able to meet their basic needs as Hawaii's high cost of living continues to increase; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, the House of Representatives concurring, that the Department of Labor and Industrial Relations is requested to conduct a study of the exemptions to Hawaii's minimum wage law; and

BE IT FURTHER RESOLVED that the study is requested to specifically consider the exemptions from the definition of "employee" that are contained in section 387-1, Hawaii Revised Statutes, including whether any of those exemptions should be repealed; and

BE IT FURTHER RESOLVED that the Department of Labor and Industrial Relations is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Lieutenant Governor, and Director of Labor and Industrial Relations.

OFFERED BY: Paul Plouffe