

MAR 10 2023

SENATE 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;
30 and

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1 WHEREAS, according to the Out of Reach 2022 report, a
2 minimum wage employee must work one hundred sixty-one hours per
3 week to afford a two-bedroom rental home at fair market rent in
4 Hawaii; and

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

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

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

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27 repealed; and

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

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

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OFFERED BY: _____

