



SCR 117/SR 129, REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE EXEMPTIONS TO HAWAII'S MINIMUM WAGE LAW.

MARCH 22, 2023 · SENATE LABOR AND TECHNOLOGY COMMITTEE · CHAIR SEN. SHARON MORIWAKI

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports SCR 117/SR129, which requests that the Department of Labor and Industrial Relations conduct a study of the exemptions to Hawai'i's minimum wage law.

A living wage is a human right. Last year, the State Legislature passed Act 114, which incrementally increased Hawai'i's minimum wage from \$12 per hour beginning October 1, 2022, to \$18 per hour beginning January 1, 2028. Yet, numerous exemptions to Hawai'i's minimum wage law are contained in section 387-1, Hawai'i Revised Statutes. This statute lists occupations that are excluded from the applicable definition of "employee" and all of its related provisions, including our state's minimum wage law.

These exemptions include agricultural employees at farms employing less than twenty people, individuals engaged in coffee harvesting, domestic caretakers, administrative and supervisory employees, persons engaged in catching or harvesting fish, student employees of nonprofit schools, and many others. While the federal Fair Labor Standards Act on which these exemptions

were modeled has declared certain jobs to be exempt from state and federal minimum wage laws, many modern scholars have argued that these provisions of the Fair Labor Standards Act promote racism, sexism, and pay discrimination.

According to the National Low-Income Housing Coalition's Out of Reach 2022 report, a minimum wage employee must work 123 hours per week to afford a modest one-bedroom rental home at fair market rent in Hawai'i and 161 hours per week to afford a two-bedroom rental home at fair market rent in the islands. Put simply, we are pricing working families out of paradise. Over 60 percent of households in our state are severely cost burdened, meaning that they pay more than 30 percent of their income on housing, a number that rises to over 80 percent for extremely low-income households.

Therefore, the exemptions to Hawai'i'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 Hawai'i's high cost of living continues to soar. We have a responsibility to ensure that our most economically vulnerable neighbors are able to not just survive, but to thrive on our shores.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



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MARCH 22, 2023 · SENATE LABOR AND TECHNOLOGY COMMITTEE · CHAIR SEN. SHARON MORIWAKI

POSITION: Support.

RATIONALE: Imua Alliance supports SCR 117/SR129, which requests that the Department of Labor and Industrial Relations conduct a study of the exemptions to Hawaii's minimum wage law.

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These exemptions include agricultural employees at farms employing less than twenty people, individuals engaged in coffee harvesting, domestic caretakers, administrative and supervisory employees, persons engaged in catching or harvesting fish, student employees of nonprofit schools, and many others. While the federal Fair Labor Standards Act on which these exemptions were modeled has declared certain jobs to be exempt from state and federal minimum wage laws,

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According to the National Low-Income Housing Coalition's Out of Reach 2022 report, a minimum wage employee must work 123 hours per week to afford a modest one-bedroom rental home at fair market rent in Hawai'i and 161 hours per week to afford a two-bedroom rental home at fair market rent in the islands. Put simply, we are pricing working families out of paradise. Over 60 percent of households in our state are severely cost burdened, meaning that they pay more than 30 percent of their income on housing, a number that rises to over 80 percent for extremely low-income households.

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Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR & TECHNOLOGY

RE: - SCR117/SR129 REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE EXEMPTIONS TO HAWAII'S MINIMUM WAGE LAW.

WEDNESDAY, MARCH 22, 2023

JASON BRADSHAW, CHAIR
DEMOCRATIC PARTY OF HAWAII LABOR CAUCUS

Chair Moriwaki and Members of the Committee:

The Democratic Party of Hawaii Labor Caucus **supports SCR 117/SR129**, requesting the Department of Labor and Industrial Relations to conduct a study of the exemption to Hawaii's minimum wage law.

As this resolution states, there are numerous exemptions to Hawaii's minimum wage law that are contained in section 387-1, Hawaii Revised Statutes, which lists occupations that are excluded from the applicable definition of "employee". These exemptions include agricultural employees at farms employing less than twenty people, individuals engaged in coffee harvesting, domestic caretakers, administrative and supervisory employees, persons engaged in catching or harvesting fish, student employees of nonprofit schools, and many others.

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.

The Democratic Party of Hawaii Labor Caucus strongly opposes any exemptions that to the minimum wage law that would allow a worker to be paid subminimum wages, and believes all workers should be paid a living wage.

Thank you for the opportunity to testify in support.



Randy Perreira, President

HAWAII STATE AFL-CIO
Hawaii's Labor Unions

LATE

888 Mililani Street Suite 501, Honolulu, Hawaii 96813

The Thirty-Second Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Labor and Technology

Testimony by
Hawai'i State AFL-CIO
March 22, 2023

S.C.R 117 / S.R. 129 – REQUESTING THE
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS TO
CONDUCT A STUDY OF THE
EXEMPTIONS TO HAWAII'S MINIMUM
WAGE LAW.

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.C.R 117 / S.R. 129.

The Wage and Hour law must bring certain exempt workers under its protection because they are at risk of falling below the minimum and overtime wage rates as the minimum wage increases. Mere exclusion from the list of exempt employees will protect vulnerable low wage earners from falling below the current minimum and overtime wage rates.

We appreciate your consideration of our testimony in **support** of S.C.R 117 / S.R. 129.

Respectfully,



Randy Perreira
President

RP/dd



HAWAII WORKERS CENTER

Defending and Respecting the workers of
Hawai'i

LATE

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March 21, 2023

Hawaii State Senate
Committee on Labor and Technology
Senator Sharon Y. Moriwaki, Chair
Senator Chris Lee, Vice Chair

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Committee of the
Board

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Leyton Torda

Robyn Conboy

Co-Executive
Directors

Tony Doroño

Sergio Alcubilla III,
Esq.

RE: Strong Support for SCR 117/SR 129 REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE EXEMPTIONS TO HAWAII'S MINIMUM WAGE LAW.

Dear Chair Sen. Moriwaki, Vice-Chair Sen. Lee, and Members of the Committee on Labor and Technology:

The Hawaii Workers Center envisions a Hawaii in which all workers are empowered to exercise their right to organize for their social, economic and political well-being. It is a resource of information, education, training and organizing for many of Hawaii's low-wage and immigrant workers.

The Hawaii Workers Center stands in strong support for SCR 117 requesting the Department of Labor and Industrial Relations to conduct a study of the exemptions to the state's minimum wage law.

Despite the celebration in Hawaii's increase of the minimum wage law to the highest state-level minimum wage rate in the nation in 2028, numerous exemptions have prevented all of Hawaii's workers from celebrating. For instate, agricultural employees at farms employing less than twenty people, individuals engaged in coffee harvesting, domestic caretakers, administrative and supervisory employees, persons engaged in catching or harvesting fish, student employees of nonprofit schools, and many others are outside of the definition of employee who would benefit from Hawaii's minimum wage laws.

With Hawaii's high cost of living, SCR 117/SR 129 are necessary to ensure that all workers here in Hawaii are paid a living wage, allowing them to not only survive paycheck to paycheck but to actually be able to thrive.

Sincerely,

Sergio J. Alcubilla
Executive Director

SR-129

Submitted on: 3/18/2023 12:02:17 PM

Testimony for LBT on 3/22/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Moriwaki, Vide Chair Lee and members of the Senate Committee on Labor and Technology,

I strongly support SR129. We need to do *whatever* it takes to support Hawai'i's low-wage workers so they can remain in their island home.

Mahalo for your consideration.

Chair Sharon Moriwaki
Vice Chair Chris Lee

Senate Committee on Labor & Technology

Wednesday, March 22, 2023
3:00PM

**TESTIMONY IN SUPPORT OF SCR117/SR129 REQUESTING THE DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE
EXEMPTIONS TO HAWAII'S MINIMUM WAGE LAW**

Aloha Chair Moriwaki, Vice Chair Lee, Members of the Senate Committee on Labor & Technology,

My name is Jun Shin. I am a graduate of the University of Hawai'i at Mānoa, a labor activist, and a member of the Hawai'i State Youth Commission, testifying as an individual in **Support of SCR117/SR129**, Requesting the Department of Labor and Industrial Relations to Conduct a Study of the Exemptions to Hawaii's Minimum Wage Law.

In 2022 after years of struggle, the state incrementally increased Hawai'i's minimum wage from \$12 per hour beginning October 1, 2022, to \$18 per hour beginning January 1, 2022. But in 2023, there are still many, many workers in Hawai'i who are not covered by basic labor rights and protections. As listed in Hawai'i Revised Statutes 387-1, agricultural workers at farms employing less than twenty people, individuals engaged in coffee harvesting, domestic caretakers, administrative and supervisory employees, persons engaged in catching or harvesting fish, student employees of nonprofit schools, etc can legally be paid LESS than the minimum wage.

This is just so wrong, who knows how many working class, immigrant/migrant families here in Hawai'i who are stuck in a situation where they need to be in jobs where they are being worked to the bone for slave wages in order to feed their families and to just survive. If a worker is getting paid less than the minimum wage, that worker by extension is facing many other serious issues in that workplace. To be very frank, \$12/hr or even \$18/hr is far from a livable wage, the legislature must do much, much more to make life livable and easier for working class families. But in the meantime, workers deserve to have as much money as they possibly can in their pockets. Please **PASS Senate Concurrent Resolution 117/Senate Resolution 129** out of your committee.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
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Email: junshinbusiness729@gmail.com