



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2343, H.D. 1, RELATING TO ENFORCEMENT OF ORDERS OF WAGE PAYMENT.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 14, 2024      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Dean A. Soma, Gurudev D. Allin, Steve A. Bumanglag, or  
Jennifer H. Tran, Deputy Attorneys General

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Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and provides the following comments.

This bill amends section 388-9.7, Hawaii Revised Statutes (HRS), to allow enforcement of final orders of wage payment violation to occur in any court of competent jurisdiction rather than exclusively in circuit court as the statute currently provides.

The Department of Labor and Industrial Relations (DLIR) issues orders of wage payment violation when employers are found to have violated their wage payment obligations. Section 388-9.7, HRS, currently provides that the DLIR may file final orders of wage payment violation in "the circuit court in the jurisdiction in which the employer does business" to obtain a judgment for the sum at issue.

District courts are an efficient venue for the resolution of civil actions where the amount in controversy does not exceed \$40,000 because of their expedited processes and deadlines. However, under the current statute, the Department, acting on behalf of the DLIR, must exclusively pursue enforcement of final orders of wage payment violation in circuit court regardless of the amount at issue. This exclusion of district court causes unnecessary delay in obtaining judgment in straightforward wage payment

violation cases. Expanding the statute to allow enforcement proceedings to be brought in district court will improve the efficiency of enforcement.

In general, final orders of wage payment violation issued by the DLIR are for sums well below the jurisdictional maximum of \$40,000 in district court. This bill will preserve the option of pursuing enforcement in circuit court if the facts of a particular case justify or require pursuit in circuit court, although the Department anticipates that district court will be the appropriate venue in the vast majority of wage-payment-violation cases.

This bill requires no appropriation of funds and will serve the public policy of enforcing wage standards and ensuring employees are paid in accordance with their employer's legal obligations in a more efficient and timely manner.

Thank you for the opportunity to comment on this bill.



STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA

February 14, 2024

To: The Honorable David A. Tarnas, Chair,  
The Honorable Gregg Takayama, Vice Chair, and  
Members of the House Committee on Judiciary & Hawaiian Affairs

Date: Wednesday, February 14, 2024  
Time: 2:00 p.m.  
Place: Conference Room 325, State Capitol

From: Jade T. Butay, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. 2343 H.D.1 RELATING TO ENFORCEMENT OF  
ORDERS OF WAGE PAYMENT**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The **DLIR strongly supports** this Governor's package proposal. HB2343 HD1 proposes to amend the Payment of Wages and Other Compensation Law, Chapter 388, Hawaii Revised Statutes (HRS), by broadening the statute to allow filing of final orders of wage payment violations in any court of competent jurisdiction.

**II. CURRENT LAW**

§388-9.7 requires filing in the circuit court in which the employer conducts business for enforcement proceedings on final orders of wage payment violations.

**III. COMMENTS ON THE HOUSE BILL**

The DLIR strongly supports this measure to allow the Attorney General to file in district court enforcement proceedings on final orders of wage payment violation that are within the jurisdictional limits of district court. This bill would expedite collection efforts to get employees paid their wages which are rightfully due to them from their employers who have violated Chapter 388, HRS.



Hawaii Operating Engineers Industry  
Stabilization Fund PAC  
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February 14, 2024

House Committee on Judiciary & Hawaiian Affairs  
Representative David Tarnas, Chair  
Representative Gregg Takayama, Vice Chair

**TESTIMONY IN SUPPORT**

House Bill 2343, HD1 Relating to Enforcement of Orders of Wage Payment

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Thank you for the opportunity to submit testimony on behalf of the Hawaii Operating Engineers Industry Stabilization Fund Political Action Committee (HOEISF PAC). The HOEISF PAC is a non-profit labor management organization whose core mission is to represent the interests of the Operating Engineers Local Union No. 3 and Hawaii's leading contractors and ensure that the industry is thriving and sustainable for the future.

We are writing in **support of HB2343, HD1**, which broadens enforcement of orders of wage payment violations to allow for certified copies of orders of wage payment violation to be filed in any court of competent jurisdiction.

We support this bill because it would limit delays and improve the efficacy of reimbursement payments to employees whose employer violated wage payment laws. District courts are well-equipped to handle smaller claims with greater expediency, which will hopefully make the process more efficient.

Thank you for the opportunity to provide our testimony in support and we urge you to pass this measure.

**HB-2343-HD-1**

Submitted on: 2/13/2024 9:40:23 PM

Testimony for JHA on 2/14/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure