

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 7:57 PM
To: JDLTestimony
Cc: bkadachi@bkabuilders.com
Subject: Submitted testimony for SB1263 on Feb 5, 2013 10:00AM

SB1263

Submitted on: 2/4/2013

Testimony for JDL on Feb 5, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Brian K. Adachi	Individual	Oppose	No

Comments: Small businesses are especially vulnerable to any increase in costs, especially those who operate on low margins. In order to adjust to the consequences of this measure, many small employers will be required to offset higher costs through lower wages to their employees, fewer work hours, less pay raises, decreased discretionary benefits, and higher health care costs. Furthermore, increased cost of doing business is ultimately passed on to the consumer. Even worse, for those companies on the "tipping point," any increase may force them to close shop.

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LATE TESTIMONY

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 4, 2013

To: The Honorable Clayton Hee, Chair, Maile Shimabukuro, Vice Chair
and Members of the Senate Committee on Judiciary and Labor

Date: Tuesday, February 5, 2013
Time: 10:00 a.m.
Place: Conference Room 016, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Pam Martin

Re: S.B. No. 1263 Relating to Labor

I. OVERVIEW OF PROPOSED LEGISLATION

- S.B. No. 1263 requires employees who work more than five hours to take a 30 minute break.
- Establishes a civil liability to employee in the amount of time and half for the lost meal breaks.

The DLIR supports this measure and offers comments.

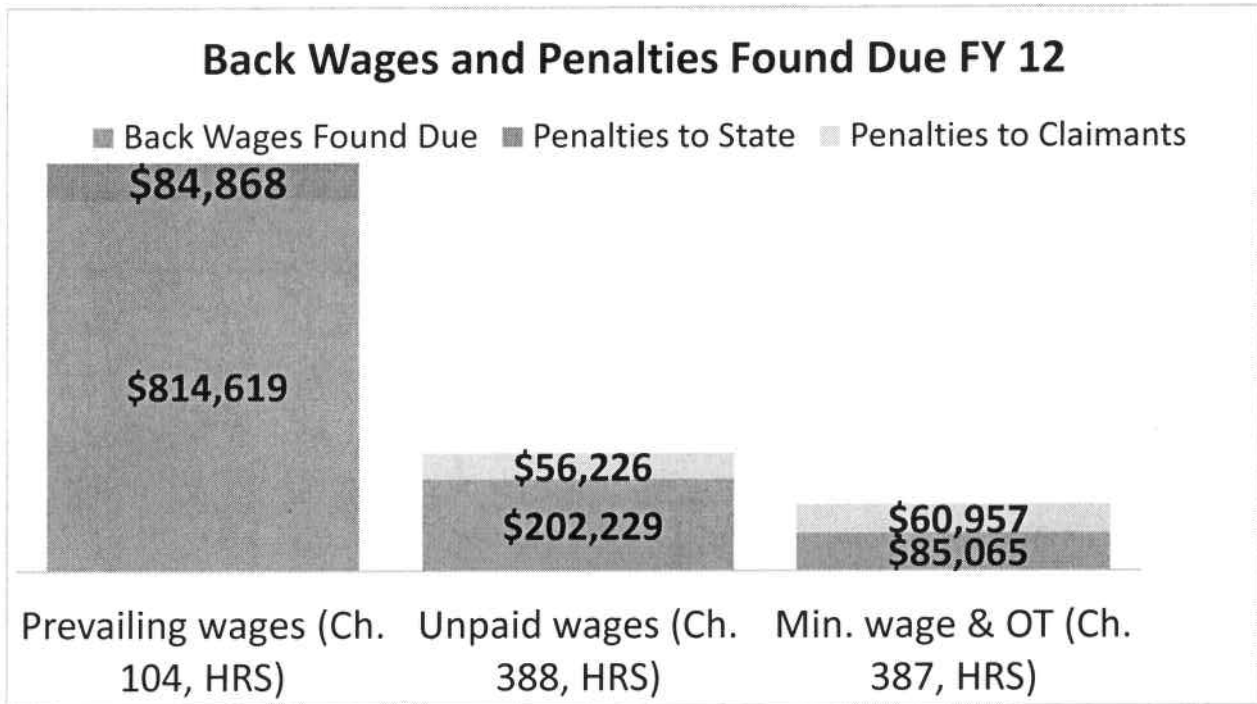
II. CURRENT LAW

Only minor workers under the age of 16 are required to have a break under the Child Labor Law, Chapter 390, Hawaii Revised Statutes.

III. COMMENTS ON THE SENATE BILL

- Twenty-two states or other jurisdictions have meal period requirements (California, Colorado, Connecticut, Delaware, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oregon, Rhode Island, Tennessee, Vermont, Washington, West Virginia, Guam, Puerto Rico)
 - 7 States also have rest periods requirements (California, Colorado, Kentucky, Minnesota, Nevada, Oregon, and Washington).

- 35 jurisdictions also have separate provisions requiring meal periods specifically for minors (when minors are covered by two provisions, employer must observe the higher standard): Alabama, Alaska, California, Colorado, Delaware, Florida, **Hawaii**, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, Wisconsin, Guam, and Puerto Rico.
- Reference particulars at U.S. Dept. of Labor at <http://www.dol.gov/whd/state/meal.htm>
- Civil penalty infractions under Section 387-12(b), Hawaii Revised Statutes, were calculated as \$60,957 due to 20 employees in Fiscal Year 2012, although nothing was collected or paid to employees. The additional penalty imposed here would add approximately \$5.44 per missed meal break for a minimum wage worker at \$7.25 per hour.



Testimony of Glenn Ida
Representing,
The Plumbers and Fitters, Local 675
1109 Bethel St., Lower Level
Honolulu, Hi. 96813

Committees on Judiciary and Labor
Sen. Clayton Hee, Chair
Sen. Maile Shimabukuro, Vice-Chair

Tuesday, Feb. 5, 2013
10 AM, Conference Room 016

Re: Support SB1263 Relating to Labor

Aloha Chair Hee, Vice-Chairs Shimabukuro and Members of the Committee,

My name is Glenn Ida Representing the Plumbers and Fitters Local 675.

Local 675 supports SB1263 which requires employers to provide meal breaks for employees who work more than a total of 5 hours a day. Imposes penalties on employers who fail to provide meal breaks. Clarifies that the employer's liability is based on an employee's regular wage at the time the infraction occurred.

My son is a cook for over 11 years. Until recently was only part-time. Sometimes having more than one part-time job. When he cooked on the weekdays it used to be about 4-5 hours a day. On the weekends a full shift would be 6 hours or more a day without a scheduled meal break. Most of the time getting short restroom breaks or only when there is a slow down, trying to get a bite to eat. Being on your feet, constantly moving about and lifting heavy pots will wear a person down. You can do this when you're young but how long will you last?

I know of another person who works as a server at a National Restaurant Chain. On Sunday's she does a double shift. 9 AM – 5 PM without a scheduled meal break, gets a 1.5 hour break and goes back until closing. Who can grumble when you need the money to pay bills and go to Honolulu Community College.

Therefore Local 675 supports SB1263.

Thank you for this opportunity to testify.

Mahalo,
Glenn Ida

The Twenty-Seventh Legislature
Regular Session of 2013

LATE TESTIMONY

THE SENATE
Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State Capitol, Conference Room 016
Tuesday, February 5, 2013; 10:00 a.m.

Joanne
K

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1263
RELATING TO LABOR**

The ILWU Local 142 supports S.B. 1263, which requires employers to provide meal breaks for employees who work more than a total of five hours a day, imposes penalties for violations, and clarifies that the penalty is based on an employee's regular wage at the time the infraction occurred.

Meals breaks offer not only opportunities for workers to get nourishment during the day, but allow workers uninterrupted periods of rest to recharge and sustain them through the remainder of the work day. Offering meal breaks to all workers is a humane way to treat employees and a sensible practice to foster concentration, productivity, and fewer accidents.

There are provisions in most, if not all, collective bargaining agreements for a meal break. In those agreements, there are also provisions for payment of additional wages if a meal break is not provided. S.B. 1263 appears to be consistent with collective bargaining agreements and intends for all workers, regardless of unionized status, to be allowed a meal break during the work day.

The ILWU urges passage of S.B. 1263. Thank you for the opportunity to testify.

LATE TESTIMONY



February 5, 2013

Senator Clayton Hee, Chair of the Committee on Judiciary and Labor
Senator Maile S.L. Shimabukuro, Vice Chair
Hawaii State Capital
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Subject: S.B. No.1263, Hearing February 5, 2013 Testimony in Support.

To: Senator Clayton Hee, Senator Maile S.L. Shimabukuro, and the Committee on Judiciary and Labor.

Aloha, my name is Steve Canales, and I strongly support S.B. 1263, Relating To Labor (Meal Breaks).

This measure will increase protect for workers over the age of fifteen to allow them at least thirty consecutive minutes, for a rest or lunch period during their shift.

This measure will protect all working employees in the state of Hawaii. Especially workers with medical and health problems, whom need to take medication with or food, keeping them working at a efficient high energy level.

I strongly support H.B. 1263. I would like to thank, the Committee on Judiciary and Labor for this opportunity to testify.

Sincerely,

Steve Canales
Labor Caucus Chair
Democratic Party of Hawaii
1050 Ala Moana Blvd. Ste. #2150
Honolulu, Hawaii 96814



LATE TESTIMONY

THE SENATE
27th LEGISLATURE
REGULAR SESSION of 2013

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair

2/5/2013
Rm 016, 10:00 AM

SB 1263
Relating to Labor

Chair Hee and Members of this Committee, my name is Max Sword, here on behalf of Outrigger Hotels Hawaii in opposition to this bill.

With respect to the hotel industry we believe that SB 1263 is unnecessary.

In Hawaii, as in many of the major tourism destinations on the mainland the hotel industry is heavily unionized and meal breaks are one of the many terms and conditions of employment covered in the applicable collective bargaining agreements negotiated with the various unions that operate in the industry.

Even for hotel properties that are union free, competition for employees in the local labor markets ensures that such properties provide comparable meal break benefits (along with comparable wages and comparable other benefits) to their non-union employees.

At both its union and union-free properties in the state of Hawaii, Outrigger already provides meal benefits comparable to the benefits set forth in SB 1263.

We strongly urge the deferment of this bill and thank you for allowing me to testify.



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Testimony to the Senate Committee on Judiciary and Labor
February 4, 2013

Testimony in Opposition to SB 1263, Relating to Labor

To: The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice-Chair
Members of the Committee on Judiciary & Labor

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 78 Hawaii credit unions, representing approximately 804,000 credit union members across the state. We are in opposition to SB 1263, Relating to Labor.

This bill would require employers to provide meal breaks for employees, and imposes penalties on the failure to provide meal breaks. Hawaii's credit unions value their staff, and believe that productivity and the well-being of employees go hand-in-hand. Especially in today's challenging economic climate, this bill may pose a significant administrative burden. Dictating when an employee has to take a break places unnecessary restrictions on both employees and employers.

Thank you for the opportunity to testify in opposition.

Senate Committee on Finance
Tuesday, February 5, 2013 / 10:00 AM
Hawai'i State Capitol, Room 016

Senate Bill 1263, RELATING TO LABOR

Aloha Chair Hee, Vice Chair Shimabukuro and members of the Committee. The Society for Human Resource Management – Hawai'i Chapter (SHRM Hawai'i) respectfully opposes Senate Bill 1263 (SB 1263), which requires employers to provide meal breaks and imposes penalties for failure to do so.

Human resource professionals are responsible for businesses' most valuable asset: people. As such, we are keenly aware of the needs of both employers and employees; we truly have everyone's best interest at heart. We respectfully oppose this measure for the significant implementation challenges and administrative burden it would impose. In addition, SB 1263 has the potential to cause a number of unintended consequences and costs. We believe that overtime payments may be necessary under this bill due to the potential unintended effect of altering the current Hawaii law on calculating employees' regular rate of pay. We are reviewing the remaining portions of this bill and, if it advances, request to be a part of the discussion.

Thank you for the opportunity to testify.