

STAND. COM. REP. NO.

1135

Honolulu, Hawaii

MAR 22 2007

RE: H.B. No. 758
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 758, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure requires employers with fifty or more individuals to allow rest or meal periods for employees that work more than five consecutive hours, with certain exceptions. Repeals the exclusion of persons whose employment is governed by the federal Fair Labor Standards Act from the definition of "employee" under the State's wage and hour law.

Testimony in support of this measure was received from Local 5 Hawaii, Hawaii State AFL-CIO, O'ahu County Committee of the Democratic Party of Hawai'i, Hawaii Teamsters and Allied Workers, Local 996, ILWU Local 142, Covanta Energy Corporation thru Goodsill Anderson Quinn & Stifel, Hawaii State Teachers Association, Democratic Party of Hawaii, and a private citizen.

Opposing testimony was received from the Department of Labor and Industrial Relations, Hawaiian Electric Company, Society for Human Resource Management - Hawaii Chapter, National Federation of Independent Businesses in Hawaii (NFIB), Chamber of Commerce of Hawaii, Kaua'i Chamber of Commerce, Hawaii Island Chamber of Commerce and a private citizen.

HB758 HD2 SD1 SSCR JDL.doc

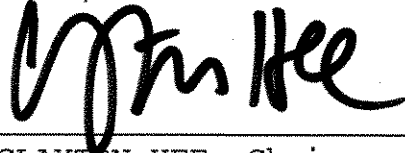


The Oahu Transit Services, Inc. commented that meal breaks for their employees are negotiated through collective bargaining and therefore requested an exemption.

Your Committee has amended the measure by amending Section 387-13, Hawaii Revised Statutes, entitled "Rights of collective bargaining protected" by adding "rest or bona fide meal period under this chapter." This will expand present law that allows collective bargaining agreements to supersede the requirements under Chapter 387, Hawaii Revised Statutes. This amendment accommodates the request from the Oahu Transit Services, Inc. to allow meal breaks covered under collective bargaining agreements to supersede the requirements of Chapter 387. The amendment also applies to all employees covered by collective bargaining agreements.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 758, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 758, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Judiciary and Labor
 JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 758 HD2	JDL, W+M	3-13-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Reccommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
KOKUBUN, Russell S. (VC)				✓
INOUE, Lorraine R.				✓
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Clarence K. Nishihara</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency		

*Only one measure per Record of Votes