

EXECUTIVE CHAMBERS

HONOLULU

July ____, 2005

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 55

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 55, entitled "A Bill for an Act Relating to Meal Breaks."

The purpose of this bill is to provide employees who work five or more continuous hours at least a thirty consecutive minute rest or meal break where the employer is permitted to select the time of the rest or meal break.

This bill is objectionable because it would only apply to a narrow segment of the business community in Hawaii. Chapter 387, Hawaii Revised Statutes, which this bill would amend, does not cover employers governed by the federal Fair Labor Standards Act. This federal law establishes legal obligations on employers who engage in interstate commerce or have an annual sales volume in excess of \$500,000. As such, this proposed bill would only apply to businesses that do not engage in interstate commerce or whose annual sales volume is \$500,000 or less. Therefore this bill would exclude a significant portion of Hawaii's businesses and a sizable percentage of the workforce.

With the exception of Child Labor Laws, neither Federal nor State labor statutes require meal or other break periods. Testimony on this bill failed to provide any demonstrable information or firm data regarding the need for the State to regulate meal breaks. An employer and employee should have the flexibility to structure and schedule meal and other breaks in a way that is reasonable under the circumstances to both parties involved, instead of having specific breaks mandated by State law. Additionally, the bill lacks a penalty provision for non-

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compliance and therefore fails to contain a means of enforcement by the Department of Labor and Industrial Relations or a remedy for an employee who is not provided a rest or meal break.

For the foregoing reasons, I am returning Senate Bill No. 55 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii