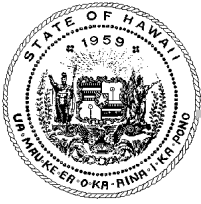


**TESTIMONY**

**HB2897 HD1**



# HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 11, 2010  
Rm. 224, 3:00 p.m.

To: The Honorable Dwight Takamine, Chair  
The Honorable Rosalyn Baker, Chair  
Members of the Senate Committees on Labor and  
Commerce and Consumer Protection

From: Coral Wong Pietsch, Chair  
and the Commissioners of the Hawai'i Civil Rights Commission

RE: H.B. No. 2897, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to State and State-funded services. The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sect. 5.

The HCRC opposes H.B. No. 2897, H.D.1, which would amend Hawai'i Revised Statutes § 444-17(22) to subject contractors on any project or operation who knowingly or intentionally employ workers who are not eligible to work in the United States to license revocation, suspension, or refusal to renew.

The reasons for HCRC opposition to H.B. 2897, H.D.1, are two-fold:

- 1) The proposed statute would result in the application of federal law standards in

state law contexts, requiring state agencies and courts to interpret complex federal laws that are better left to the appropriate federal agencies for enforcement.

- 2) The proposed prohibition and license revocation create a likelihood of increased ancestry / national origin discrimination in employment. If contractors face the serious penalties under state law as proposed, in addition to the sanctions faced under federal law, affecting their contractors' licenses and livelihood, it will encourage them to avoid the potential penalties by not hiring workers who appear to be non-native, foreign-born, or immigrant. This will result in unlawful discrimination against those whose language, accent, or other characteristics are not typically "American," creating a climate of discrimination against immigrant workers.

The HCRC opposes H.B. No. 2897, H.D.1, and urges the Committee to hold this measure.

**PRESENTATION OF THE  
CONTRACTORS LICENSE BOARD**

TO THE SENATE COMMITTEE ON LABOR

AND

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Thursday, March 11, 2010  
3:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2897, H.D. 1, RELATING TO CONTRACTORS.**

TO THE HONORABLE DWIGHT Y. TAKAMINE, CHAIR, AND  
TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEES:

My name is Denny Sadowski, Legislative Committee Chair of the Contractors

License Board ("Board"). Thank you for the opportunity to present testimony on House Bill No. 2897, H.D. 1 which proposes to make it a licensing violation for a contractor to knowingly and intentionally employ a person who is not eligible to work in the United States on any project, not just public work projects. The Board has concerns with this bill.

To give you some background on this measure, last year House Bill No. 643 was introduced which proposed to require the Department of Labor and Industrial Relations to investigate and enforce complaints relating to the employment of ineligible workers. This bill evolved into Act 145, which made it a licensing violation for contractors to knowingly employ ineligible persons on public work projects.

As the Board testified last year, we question the need for penalties specific to contractors. There are federal statutes and enforcement agencies already in place to

address this issue, and employers must submit employment verification forms indicating that the individual is authorized to work in the U.S. We feel that any employer using ineligible workers should be dealt with by the proper authorities, whether or not the employer is a contractor.

Thank you for the opportunity to testify on House Bill No. 2897, H.D. 1.



**HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO**  
 Gentry Pacific Design Center, Suite 215A \* 560 N. Nimitz Highway, #50 \* Honolulu, Hawaii 96817  
 (808) 524-2249 - FAX (808) 524-6893

HOLAN MORIWAKI  
 President  
 Bricklayers & Ceramic Tile Setters  
 Local 1 & Plasterers/Cement Masons  
 Local 630

JOSEPH O'DONNELL  
 Vice President  
 Iron Workers Local 625

DAMIAN T.K. KIM  
 Financial Secretary  
 International Brotherhood of  
 Electrical Workers Local 1166

ART TOLENTINO  
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 Sheet Metal Workers I.A. Local 283

BALCOLM K. AHLO  
 Sergeant At Arms  
 Carpet, Linoleum, & Soft Tile  
 Local 1296

REGINALD CASTANARES  
 Trustee  
 Plumbers & Fitters Local 675

THADDEUS TOMEI  
 Elevator Constructors Local 126

JOSEPH BAZEMORE  
 Drywall, Tapers, & Finishers  
 Local 1944

RICHARD TACGERE  
 Glaziers, Architectural Metal &  
 Glassworkers Local 1944

MARY AYCOCK  
 Millwrights, Ironship Builders  
 Local 627

LYNN KINNEY  
 District Council 50  
 Painters & Allied Trades Local 1791

EUGENE SOQUENA  
 Operating Engineers Local 3

DOUGLAS FULP  
 International Assoc. of Heat & Frost  
 Insulators & Allied Workers Local 132

ONAM KOZUMA  
 Steel Teamsters & Allied  
 Workers Local 996

ETER GANABAN  
 Laborers' International Union of  
 North America Local 368

RUGHN CHONG  
 Roofers, Waterproofers & Allied  
 Workers United Union of Roofers  
 Local 221

March 10, 2010

Honorable Senator Dwight Y. Takamine, Chair  
 Honorable Senator Brian T. Taniguchi, Vice Chair  
 Members of the Senate Committee on Labor  
 Hawaii State Capitol  
 415 South Beretania Street  
 Honolulu, HI 96813

RE: **IN SUPPORT OF HB 2897**  
**RELATING TO CONTRACTORS.**

Hearing: Thurs., March 11, 2010, 3:10 p.m., Room 224

Dear Chair Takamine, Vice Chair Taniguchi, and the Senate Committee on Labor:

For the Record my name is **Buzz Hong the Executive Director** for the Hawaii Building & Construction Trades Council, AFL-CIO. Our Council is comprised of 16-construction unions and a membership of 26,000 statewide.

The Council **SUPPORTS the passage of HB 2897** that subjects a contractor who knowingly or intentionally employs a person not eligible to work in the U.S. under federal law to the possible revocation or suspension of their contractors' license.

Thank you for the opportunity to submit this testimony in support of **HB 2897.**

Sincerely,

William "Buzz" Hong  
 Executive Director

WBH/hm

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcawhawaii.org](mailto:info@gcawhawaii.org)  
Website: [www.gcawhawaii.org](http://www.gcawhawaii.org)



# GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

March 9, 2010

TO: THE HONORABLE SENATOR DWIGHT Y. TAKAMINE, CHAIR AND MEMBERS  
OF THE COMMITTEE ON LABOR

THE HONORABLE SENATOR ROSALYN H. BAKER, CHAIR AND MEMBERS OF  
THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SUBJECT: **H.B.2897, HD1** RELATING TO CONTRACTORS.

NOTICE OF HEARING

DATE: Thursday, March 11, 2010  
TIME: 3:00 p.m.  
PLACE: Conference Room 224

Dear Chairs and Members of the Joint Committees:

The **General Contractors Association** (GCA), an organization comprised of over five hundred and seventy (570) general contractors, subcontractors, and construction related firms, **supports** the passage of H.B. **2897, HD1** Relating To Contractors.

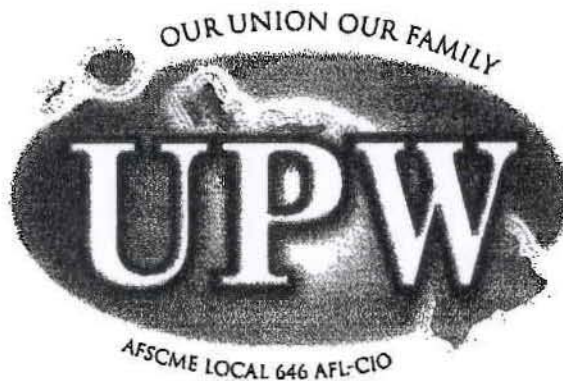
H.B. 2897, amends Section 444-17, HRS, to extend the authority of the contractors licensing board to revoke or suspend the license of any contractor found to have knowingly or intentionally employing any individual not eligible to work in the United States under federal law to any contractor subject to Chapter 444, not just those working on state and county contracts.

The GCA believes that this statute enacted in 2009, as Act 145-09, should apply to all contractors licensed by the state of Hawaii, and not just to those working on contracts subject to Chapter 104, HRS.

The GCA supports the passage of H.B. 2897, HD1 Relating To Contractors.

Thank you for the opportunity to provide our views on this issue.





The Senate  
The Twenty-Fifth Legislature  
Regular Session of 2010

Committee on Labor  
Senator Dwight Y. Takamine, Chair  
Senator Brian T. Taniguchi, Vice Chair

DATE: Thursday, March 11, 2010  
TIME: 3:10 p.m.  
PLACE: Conference Room 224

**TESTIMONY OF THE UNITED PUBLIC WORKERS, LOCAL 646, ON HB 2935,  
HD3, RELATING TO EMPLOYMENT PRACTICES.**

This measure makes it an unlawful practice for an employer or labor organization who has a collective bargaining agreement with its employees and who has 100 or more employees, to bar or discharge from employment, withhold pay from, or demote an employee because the employee legitimately uses accrued and available sick leave in accordance with the employer's attendant and negotiated sick leave policies, except for the abuse of sick leave; provides exceptions to the prohibition if the employee is unable to fulfill the essential job functions or requirements of the employee's position.

**The United Public Workers, Local 646, supports this measure.**

We strongly oppose current managerial policies that coerce employees to come to work when they are sick. It is not only unjust to reprimand workers for legitimately utilizing their sick leave but is also extremely dangerous public health policy.

Although supporting this measure, our preference is for the language in SB 2338, SD1. Thank you for the opportunity to testify.





Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

Senate Committee on Labor  
Senator Dwight Takamine, Chair  
Senator Brian Taniguchi, Vice Chair

Senate Committee on Commerce and Consumer Protection  
Senator Rosalyn Baker, Chair  
Senator David Ige, Vice Chair

HB 2897, HD1 – RELATING TO CONTRACTORS  
Thursday, March 11, 2010  
3:00 pm  
Conference Room 224

Chair Takamine, Chair Baker and members of the committees:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP would like to thank you for your support of HB 643, HD 2, SD 2 - A BILL FOR AN ACT RELATING TO CONTRACTORS that became Act 145-09. PRP continues to wage its fight to highlight the dangers of using unlicensed contractors and/or work using unskilled labor as defined in the bill to the detriment of both all parties involved. We would ask for your consideration of simple extension of existing HRS to including private projects where payroll and other employer tax requirements can easily be overlooked or intentionally avoid.

PRP strongly supports HB 2897, HD1 – Relating to Contractors, which subjects a contractor to revocation or suspension of license for knowingly and intentionally employing a person who is not eligible to work in the United States under federal law to perform work on any project or operation for the following reasons:

- Our fight is not against the illegal aliens who come here to try to make a living. Our state is made up primarily of those who have come here at one time or another from other countries. Our cause is targeted against those employers who seek to “cheat” our local people out of gainful employment and exploit illegal labor in these tough economic times for the sake of their “bottom line”.

- Many of these undocumented workers also get paid in cash, thereby avoiding income tax contributions that the rest of us pay that goes to support our schools and other social and infrastructure services.
- Nearly 51% of unionized carpenters statewide are unemployed. The hiring of illegal workers “cheats” our local people from obtaining good paying work to support their families, while allowing unscrupulous contractors to increase profits at the expense of our own locally unemployed and those they seek to exploit .

Thank you for the opportunity to share our views with you and we respectfully ask for your support on HB 2897, HD1 – Relating to Contractors.