



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

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Phone: (808) 586-8842 / Fax: (808) 586-9099  
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February 14, 2012

To: The Honorable Gilbert S.C. Keith-Agaran, Chair, Karl Rhoads, Vice Chair, and Members of the House Committee on Judiciary

Date: Tuesday, February 14, 2012  
Time: 2:05 p.m.  
Place: Conference Room 325, State Capitol

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

**Re: H.B. No. 1699, H.D. 1 Relating to Labor**

**I. OVERVIEW OF PROPOSED LEGISLATION**

H.B. 1699, H.D. 1 amends the Wage and Hour Law, Chapter 387, Hawaii Revised Statutes ("HRS"), by requiring an employer to provide an unpaid meal break of not less than thirty consecutive minutes if an employee works more than five hours unless a collective bargaining agreement contains express provisions for employee meal breaks.

The Department supports the intent of H.B.1699 but has a concern.

**II. CURRENT LAW**

Currently, there is no provision in Hawaii's Wage and Hour Law that requires meal breaks.

**III. COMMENTS ON HOUSE BILL**

Neither State nor federal law requires meal or other break periods. The Child Labor law is an exception, requiring at least a 30-minute break for 14 and 15-year-old minors who work five continuous hours.

1. Hawaii's Wage and Hour Law applies to small businesses while those businesses who make more than \$500,000 in gross sales per year are subject to the federal Fair Labor Standards Act 29 C.F.R. section 785.19; which does not require meal breaks.

2. The DLIR has a concern regarding the language in Section 3, page 8, lines 9 through 15. The amendment uses the term "wages" which could be construed as having the penalty based on wages for the pay period affected or monthly wages. The DLIR suggests that if the committee instead is using an hourly rate for the penalty calculation that the word "wages" be replaced by "rate" as follows:

"(2) Any employer who does not provide a meal break as required by section 387-3(g) shall be liable to the employee affected in the amount of one and a half [~~hours of~~] times the employee's [~~wages~~] hourly rate of pay for each meal break not provided; provided that the one and a half [~~hour~~] times the hourly rate penalty shall be computed based on the employee's regular wage rate at the time the infraction occurred."

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# **BIA-HAWAII**

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## **BUILDING INDUSTRY ASSOCIATION**

### **Testimony to House Committee on Judiciary**

Tuesday, February 14, 2012

2:05 p.m.

Capitol Room 325

### **RE: H.B. 1699 HD1, Relating to Labor**

Good afternoon Chair Keith-Agaran, Vice-Chairs Rhoads, and members of the Committee:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii is **opposed** to H.B. 1699 HD1, which mandates employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks.

BIA-Hawaii's membership is comprised of mostly small businesses. This bill imposes an administrative burden on employers, requiring them to create procedures to record meal breaks and to record whether a person elects to forego a meal break in order to obtain overtime pay. These small businesses will be burdened by these additional procedures.

A meal break, we believe, is unnecessary. Most employers already provide meal breaks and, in many cases, provide meal breaks longer than 30 minutes. This bill will hurt employers with employees who would rather work through their lunch or take shorter breaks in order to shorten their work day.

For the above reasons, BIA-Hawaii is **opposed** to H.B. 1699 HD1.

Thank you for the opportunity to testify.



## **Before the House Committee on Judiciary**

DATE: Tuesday, February 14, 2012

TIME: 2:05 P.M.

PLACE: Conference Room 325

### **Re: HB 1699, HD1 Relating to Labor**

#### **Testimony of Melissa Pavlicek for NFIB Hawaii**

We are testifying on behalf of the National Federation of Independent Business (NFIB) in opposition to HB 1699 relating to labor. NFIB Hawaii respectfully **opposes** this measure.

HB 1699 requires employers to provide meal breaks for employees who work more than a total of five hours a day and imposes penalties for failure to provide meal breaks.

We respectfully oppose this measure due to the significant implementation challenges it would impose. Implementation of this bill would not only cause substantial challenges regarding the calculation of overtime payments but also may require employers to develop new procedures to record and supervise meal breaks. In addition, most employers already provide meal breaks and in many cases, these breaks are longer than 30 minutes.

The National Federation of Independent Business is the largest advocacy organization representing small and independent business in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

Mahalo for your consideration.



Hawaii Credit Union League

Your Partner For Success



1654 South King Street  
Honolulu, Hawaii 96826-2097  
Telephone: (808) 941.0556  
Fax: (808) 945.0019  
Web site: [www.hcul.org](http://www.hcul.org)  
Email: [info@hcul.org](mailto:info@hcul.org)

Testimony to the House Committee on Judiciary  
Tuesday, February 14, 2012

Testimony in Opposition to HB 1699 HD1, Relating to Labor

To: The Honorable Gil Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice-Chair  
Members of the Committee on Judiciary

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 81 Hawaii credit unions, representing approximately 811,000 credit union members across the state. We are in opposition to HB 1699 HD1, 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.



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Testimony to the House Committee on Judiciary  
Tuesday, February 14, 2012  
2:05 p.m.  
State Capitol - Conference Room 325

RE: HOUSE BILL NO. 1699, HD1 RELATING TO LABOR

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee. We are Ryan Kusumoto and Lisa Kracher, the Legislative Committee co-chairs for the Society for Human Resource Management – Hawaii Chapter ("SHRM Hawaii"). SHRM Hawaii represents nearly 1,000 human resource professionals in the State of Hawaii.

We are writing to respectfully oppose HB 1699, HD1, which requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks.

Human resource professionals are keenly attuned to the needs of employers and employees. We are the frontline professionals responsible for businesses' most valuable asset: human capital. We truly have our employers' and employees' interests at heart. We respectfully oppose this measure for the significant implementation challenges and administrative burden it would impose and for the potential for unintended consequences and costs. Among our most significant concerns are the challenges of implementing the provisions regarding the calculation of overtime payments. 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 for overtime purposes. We are reviewing the remaining portions of this bill and, if it advances, request to be a part of the dialog concerning it. Thank you for the opportunity to testify.

AFFILIATE OF  
  
SOCIETY FOR HUMAN  
RESOURCE MANAGEMENT

SHRM Hawaii, P. O. Box 3175, Honolulu, Hawaii (808) 447-1840



February 14, 2012

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY  
ON HB 1699 HD1 RELATING TO LABOR**

Thank you Chair Keith-Agaran and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Drivers of commercial vehicles cannot stop and park their tractor trailers, trucks, buses, etc., for any appreciable length of time, ANYWHERE. There simply is no space for this to occur. This bill will turn drivers into violators through no fault of their own.

The nature of the job offers drivers the opportunity for multiple short breaks, during which time meals and refreshment are obtained and consumed. The drivers do not punch out for the short periods of time taken. These quick breaks also mean the drivers get done with their runs faster and get home earlier.

This scenario is favored by the drivers themselves.

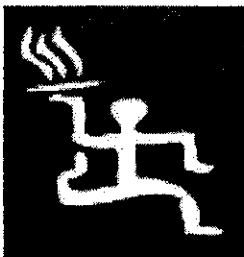
These drivers already follow the break requirements of the federal motor carrier safety regulations which are adopted and enforced by the State Motor Vehicle Office.

We NEED an amendment which could be placed in a new paragraph (i), on page 7 after line 9 stating:

**“This section shall not apply to an employer who is subject to Title 49 Code of Federal Regulations, Part 395.”**

Thank you.

People  
Serving  
People



# Hawaii Restaurant Association

1451 South King St., Suite 503  
Honolulu, HI 96814  
www.RestaurantHI.com

Phone: 808.944.9105  
Fax (Toll Free): 877.494.3245  
hra@RestaurantHI.com

February 13, 2012

## House Bill 1699 Relating to Labor Meal Breaks

Hearing on February 13, 2012 at 2:05PM in room 325

### Testimony by the Hawaii Restaurant Association in opposition

One of the difficulties in creating legislation is the difficulty of seeing unintended consequences. This certainly applies to HB 1699 in that calculating overtime payments under current law may be easily confused with details promulgated in the "new" law.

Further, and this is very important, HB 1699 would negatively impact those employees who – in some instances – would prefer to work through the break to either earn more money or to shorten the time they are required to be at their workplace.

Also, if enacted the law would be cumbersome. It would impose a great deal of paperwork on employers, by making them design new procedures to record meal breaks, to record whether a person elects to forego a meal break in order to obtain overtime pay and other new requirements.

Additionally, a law for a meal break is not necessary. Most employers already provide meal breaks, and in many cases provide meal breaks longer than 30 minutes.

Finally, the timing is wrong. The bill will increase the cost of doing business in Hawaii – and this is the wrong time for that. Recent news reports indicate that Hawaii is, perhaps, turning the corner toward economic recovery. Please don't stall it by passage of this bill.

Respectfully submitted,

Roger Morey  
Executive Director

#### Board of Directors 2011-2012

**Chair** **Chris Colgate**  
TS Restaurants  
Hula Grill Waikiki  
Duke's Waikiki

**Treasurer** **Bill Tobin**  
Tiki's Grill & Bar

**Secretary** **Jim Hamachek**  
Kahuna's Complex / MCB  
Hawaii

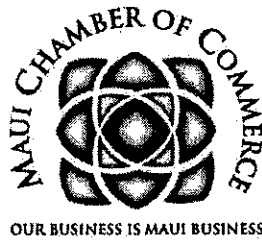
**Past Chair** **Victor Lim**  
McDonald's Restaurants

**Board Members** **Peggy Abella**  
Anheuser / Busch  
Sales of Hawaii  
**Paul Ah Cook**  
Paradise Beverages  
**Bryan Andaya**  
L & L Drive-Inn  
**Steve Cole**  
Kona Brewing Company  
**Kurt Fey**  
Y. Hata & Company, Ltd.  
**Mike Flores**  
HFM Foodservice  
**Biff Graper**  
Collins Monroe Friedlander  
**Tom Jones**  
Gyotaku Japanese Restaurant  
**Jay Kaneshiro**  
Ruth's Chris Steak House  
Waikiki  
**Brian Kawabe**  
American Express  
**Dirk Koeppenkaestrop**  
IL Gelato Hawaii  
**Don Lakey**  
Outback Steakhouse  
**Gary Manago**  
Sam Choy's Breakfast,  
Lunch & Crab  
**Rick Martin**  
The Gas Company  
**Jo McGarry**  
Honolulu Star-  
Advertiser/MidWeek  
**Stephanie Mizuno**  
Sodexo (Straub)  
**Bob Morse**  
Southern Wine & Spirits  
**Rick Nakashima**  
Ruby Tuesday  
**Conrad Nonaka**  
Culinary Institute of the Pacific  
**Bob Piccinino**  
Hansen Distribution Group  
**Chad Stephens**  
Young's Market Company  
**Melvin Takemoto**  
Heartland Payment Systems  
**Kevin Wada**  
Sodexo (Iolani)

**NRA Director Emeritus** **Ed Wary**  
Auntie Pats's Diner Grill

**Advisory Directors** **Faith Freitas**  
Trade Publishing  
**Thomas Frigge**  
TOBE Co. Food Safety  
**Ken Kanter**  
Douglas Trade Shows  
**Cuyler Shaw**  
Ashford & Wriston

**Executive Director** **Roger Morey**



February 13, 2012

Testimony to the House Committee on Judiciary  
Tuesday, February 14, 2012 at 2:05pm  
State Capitol, Conference Room 325

**RE: OPPOSE HOUSE BILL 1699 HD 1 RELATING TO LABOR**

Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

I am writing on behalf of the membership of the Maui Chamber of Commerce, along with business alliances that we are a part of, to OPPOSE HB1699 HD1 which requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks.

Simply, the bill is unnecessary as:

- Meal breaks are unnecessary. Most employers already provide them and often longer than 30 minutes;
- It will cause confusion and litigation regarding the calculation of overtime payments due to the unintended effect of altering current law on calculating employees' regular rate of pay for overtime purposes. For example, under FLSA, employers can exclude premium pay given for work on holidays or weekends when calculating the employee's regular rate of pay for overtime purposes. Under Hawaii law, if the bill passes, an employer would have to factor in premium pay in calculating the regular rate because the only method of calculating the regular rate of pay under Hawaii law is to take the total earnings for the period and divide by the number of hours worked;
- It will hurt employees who would rather work through their lunch or take shorter breaks in order to shorten their work day. Employers who currently operate ten hour shifts would be required to force employees to take an unpaid 30 minute meal break before the fifth and again before the tenth hour of work, thereby prolonging an already long work day;
- It will require employers to carefully monitor employees to ensure that they take meal breaks before 5 continuous hours of work have passed. To avoid paying this penalty, employers will have to send supervisors to every employee's cubicle and work location to make sure that employees have taken lunch breaks on time; and

Testimony to OPPOSE HB1699 HD1 RELATING TO LABOR

February 13, 2012

Page 2.

- It imposes a significant administrative weight on employers, requiring them to create procedures to record meal breaks and to record whether a person elects to forego a meal break in order to obtain overtime pay. The bill may require employers to revise, rewrite or reprogram their payroll systems to recognize the one-half hour per day overtime allocation.

It is time to stop the madness. The last two points alone will add a significant cost to each business in Hawaii. The cost of re-writing all the employee manuals alone is huge, not to mention the additional supervision it will require. Please talk to businesses and listen to them.

Our businesses are still suffering. Approximately 90% of our members are small businesses with 25 or fewer employees. During this past recession and the slow recovery, we saw the loss of many businesses (big and small) and the slide continues. Insolvency is still a looming threat as recovery efforts inch along. Many who have survived thus far are still doing more with less people and far fewer resources, while being hit with higher expenses from numerous fronts. This reality cannot continue. It is not sustainable.

We need your strong leadership this session and beyond to create a "pro-business environment" in Hawaii, reducing the overall costs of doing business in this state and avoiding unnecessary mandates. True job creation comes from the business sector and support of businesses should be our state's top priority to generate desperately needed jobs and return Hawaii to a place of economic prosperity.

Thank you for the opportunity to submit testimony and for standing up for workers by giving the business sector an environment where they can retain and grow jobs. Please vote NO on HB1699 HD1.

If you have any questions, please contact me.

Sincerely,



Pamela Tumpap  
President



**Testimony to the House Committee on Judiciary  
Tuesday, February 14, 2012  
2:05 p.m.  
State Capitol - Conference Room 325**

**RE: HOUSE BILL NO. 1699 HD1 RELATING TO LABOR**

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's opposition to House Bill No. 1699 HD1 relating to Labor.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

HB 1699 HD1 requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks. The Chamber believes the Bill is unnecessary and opposes the Bill for the following reasons:

First, the Bill will cause confusion and litigation regarding the calculation of overtime payments due to the unintended effect of altering current law on calculating employees' regular rate of pay for overtime purposes. For example, under FLSA, employers can exclude premium pay given for work on holidays or weekends when calculating the employee's regular rate of pay for overtime purposes. Under Hawaii law, if the bill passes, an employer would have to factor in premium pay in calculating the regular rate because the only method of calculating the regular rate of pay under Hawaii law is to take the total earnings for the period and divide by the number of hours worked.

Second, a meal break, we believe is unnecessary. Most employers already provide meal breaks, and in many cases provide meal breaks longer than 30 minutes.

Third, the bill will hurt employees who would rather work through their lunch or take shorter breaks in order to shorten their work day. Employers who currently operate ten hour shifts would be

required to force employees to take an unpaid 30 minute meal break before the fifth and again before the tenth hour of work, thereby prolonging an already long work day.

Fourth, the bill will require employers to carefully monitor employees to ensure that they take meal breaks before 5 continuous hours of work have passed. To avoid paying this penalty, employers will have to send supervisors to every employee's cubicle and work location to make sure that employees have taken lunch breaks on time.

Finally, this bill imposes a significant administrative weight on employers, requiring them to create procedures to record meal breaks and to record whether a person elects to forego a meal break in order to obtain overtime pay. The bill may require employers to revise, rewrite or reprogram their payroll systems to recognize the one-half hour per day overtime allocation.

Hawaii's businesses are in the process of recovering from an economic stagnation. The Chamber firmly believes that the enactment of this mandate at this time will greatly hamper the efforts to revitalize the economic climate. Hawaii's business community is at a critical point -- where any additional mandates could mean the difference between continued existence or bankruptcy. As evidenced by recent media accounts, many local establishments, some of which have faithfully served consumers for generations, are going out of business.

Overall, this bill will significantly increase the cost of doing business in Hawaii. For these reasons, the Chamber opposes this measure. Thank you very much for the opportunity to testify.



Labor Caucus

February 13, 2011

Representative Gilbert S.C. Keith-Agaran  
Hawaii State Capital  
Labor & Public Employment and Economic Revitalization & Business  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Subject: H.B. No.1699 Hearing February 14, 2012 Testimony in Support

To: Representative Gilbert S.C. Keith-Agaran, and Judiciary Committee members.

Aloha, my name is Steve Canales. I strongly support H.B.1699; meal breaks for workers.

Many Hawaii workers have little knowledge that meal breaks are not a given. In this day and age with longer work days and understaff employees. This bill; will give workers the added security and knowledge that meals can be taken during a shift.

I strongly support H.B.1699. I would like to thank the Judiciary Committee for this opportunity to testify.

Sincerely,

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

Representative Gilbert Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair  
Committee on Judiciary  
Committee on Economic Revitalization & Business

State Capitol, Honolulu, Hawaii 96813

HEARING      Tuesday, February 14, 2012  
                    2:05 pm  
                    Conference Room 325



**RE      HB1699, HD1 Relating to Labor**

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

**RMH strongly opposes HB1699, HD1**, which requires employers to provide meal breaks for employees who work more than five consecutive hours. This mandate is unnecessary and will increase costs in an already uncertain economy.

Most retailers already provide a ten- to fifteen-minute paid break during a four to five hour shift. HB1699, HD1 adds an additional unpaid one-half hour to an employee's workday. This could be problematic, for example, for a part-time employee who is a student or parent of small children who are on a very structured schedule.

We are particularly concerned with Section 2, subsection (g) which allows an employee scheduled to work a total of six hours to work uninterrupted for five hours and thirty minutes and leave early "if the employee chooses." Essentially, that is a five and one-half hour, not a six-hour, work shift.

More importantly, we oppose allowing the employee to "choose" the time of the mandated meal break. It is the right of the employer to determine the schedule, that is, the exact time of the meal break within the specified hours during the employee's work day.

In the highly competitive, customer-directed retail industry where superior service is tantamount to success, retailers develop staffing schedules that ensure attention to and assistance for consumers while providing ample rest and meal breaks for their associates. The employer must be allowed to determine when the employee takes that break in order to avoid inadequate staffing and possible imposition and hardship on other employees. It is quite possible that there could be a situation when all the employees within a particular area decide to take their breaks at the same time, leaving the area without staffing and subjecting sales associates in nearby areas to the wrath of annoyed customers.

The members of the Retail Merchants of Hawaii respectfully urge you to hold HB1699, HD1. Thank you for the opportunity to comment on this measure.

Carol Pregill, President

The Twenty-Sixth Legislature  
Regular Session of 2012

**HOUSE OF REPRESENTATIVES**

Committee on Judiciary

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

State Capitol, Conference Room 325

Tuesday, February 14, 2012; 2:05 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1699, HD1  
RELATING TO LABOR**

The ILWU Local 142 supports H.B. 1699, HD1, 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 sensible 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. H.B. 1699, HD1 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 H.B. 1699, HD1. Thank you for the opportunity to testify.



## **HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)**

1050 Bishop St. Box 235

Honolulu, HI 96813

Fax : 808-791-0702

Telephone : 808-533-1292

### **Testimony to the House Committee on Judiciary**

**Tuesday, February 14, 2012**

**2:05 p.m.**

**State Capitol - Conference Room 325**

### **RE: HOUSE BILL NO. 1699 HD1 RELATING TO LABOR**

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

The Hawaii Food Industry Association opposes this legislation.

HB 1699 HD1 requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks. The HFIA believes the Bill is unnecessary and opposes the Bill for the following reasons:

First, the Bill will cause confusion and litigation regarding the calculation of overtime payments due to the unintended effect of altering current law on calculating employees' regular rate of pay for overtime purposes. For example, under FLSA, employers can exclude premium pay given for work on holidays or weekends when calculating the employee's regular rate of pay for overtime purposes. Under Hawaii law, if the bill passes, an employer would have to factor in premium pay in calculating the regular rate because the only method of calculating the regular rate of pay under Hawaii law is to take the total earnings for the period and divide by the number of hours worked.

Second, a meal break, we believe is unnecessary. Most employers already provide meal breaks, and in many cases provide meal breaks longer than 30 minutes.

Third, the bill will hurt employees who would rather work through their lunch or take shorter breaks in order to shorten their work day. Employers who currently operate ten hour shifts would be required to force employees to take an unpaid 30 minute meal break before the fifth and again before the tenth hour of work, thereby prolonging an already long work day.

Fourth, the bill will require employers to carefully monitor employees to ensure that they take meal breaks before 5 continuous hours of work have passed. To avoid paying this penalty, employers will have to send supervisors to every employee's cubicle and work location to make sure that employees have taken lunch breaks on time.

Finally, this bill imposes a significant administrative weight on employers, requiring them to create procedures to record meal breaks and to record whether a person elects to forego a meal break in order to obtain overtime pay. The bill may require employers to revise, rewrite or reprogram their payroll systems to recognize the one-half hour per day overtime allocation.

Hawaii's businesses are in the process of recovering from an economic stagnation. The HFIA firmly believes that the enactment of this mandate at this time will greatly hamper the efforts to revitalize the economic climate. Hawaii's business community is at a critical point -- where any additional mandates could mean the difference between continued existence or bankruptcy. As evidenced by recent media accounts, many local establishments, some of which have faithfully served consumers for generations, are going out of business.

Overall, this bill will significantly increase the cost of doing business in Hawaii. For these reasons, the HFIA opposes this measure. Thank you very much for the opportunity to testify.

**TS RESTAURNATS**  
**2335 Kalakaua Ave**  
**Honolulu, Hawaii 96815**

**Testimony to the House Committee on Judiciary**  
**Tuesday, February 14, 2012**  
**2:05 p.m.**  
**State Capitol - Conference Room 325**

**RE: HOUSE BILL NO. 1699 HD1 RELATING TO LABOR**

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

My name is Chris Colgate and I am the current Chair Person for the Hawaii Restaurant Association and also the Oahu Regional Manager for TS Restaurants (Duke's Waikiki, Maui & Kauai, Hula Grill Waikiki & Maui, Kimo's, Leilani's and Keoki's.. I am here to state TS Restaurants as well as the HRA is in opposition to House Bill No. 1699 HD1 relating to Labor.

The HRA is the largest restaurant organization in Hawaii representing close to 3,000 operators. And, TS Restaurants is one of the largest employers with more than 1,500 employees. HB 1699 HD1 would have a severe negative impact on our industry and how we would need to conduct business. It would have significant financial implications and cause further erosion on how we conduct .

HB 1699 HD1 requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks. The HRA and TS Restaurants believes the Bill is unnecessary and opposes the Bill for the following reasons:

First, the Bill will cause confusion and litigation regarding the calculation of overtime payments due to the unintended effect of altering current law on calculating employees' regular rate of pay for overtime purposes. For example, under FLSA, employers can exclude premium pay given for work on holidays or weekends when calculating the employee's regular rate of pay for overtime purposes. Under Hawaii law, if the bill passes, an employer would have to factor in premium pay in calculating the regular rate because the only method of calculating the regular rate of pay under Hawaii law is to take the total earnings for the period and divide by the number of hours worked.

Second, the Bill will cause significant confusion among employees requiring them to take breaks in the middle of the meal service causing a lapse in service and thus diminishing our guests dining experience.

And third, The bill also imposes a significant administrative weight on employers, requiring them to create procedures to record meal breaks and to record whether a person elects to forego a meal break in order to obtain overtime pay. The bill may require employers to revise, rewrite or reprogram their payroll systems to recognize the one-half hour per day overtime allocation.

Hawaii's restaurants are in the process of recovering from an economic stagnation. We firmly believes that the enactment of this mandate at this time will greatly hamper the efforts to revitalize the economic climate. Hawaii's restaurant business is at a critical point -- where any additional mandates could mean the difference between continued existence or bankruptcy. As evidenced by recent media accounts, many local establishments, some of which have faithfully served consumers for generations, are going out of business.

Overall, this bill will significantly increase the cost of doing business in Hawaii. For these reasons, TS Restaurants and the HRA opposes this measure. Thank you very much for the opportunity to testify.

Chris Colgate  
Oahu Regional Manager

HRA Chair

House Committee on

## Judiciary

Representative Keith-Agaran - Chair

Representative Rhoads - Vice Chair

February 13, 2012

Winton Schoneman

Bubbies Homemade Ice Cream and Desserts Franchisee

### IN STRONG OPPOSTION TO HB1699 HD1 RELATING TO LABOR (Meal Breaks)

Aloha Chair Keith-Agaran and Vice Chair Rhoads, members of the Committee, I apologize for not being present to provide this testimony. I own and operate a retail ice cream shop and must be manning the counter at this time; however, I would like to express that I know that I am in a similar position to many small local retail establishments and that passage of this bill will present scheduling choices, none of which are beneficial to my business or to my employees.

I own an ice cream shop in East Oahu and typically run a one or two person operation; scheduling around days and times I know will be busy and profitable. My employees are generally part time workers. Many hours of the day are filled with unprofitable time...a specific example is on Tuesdays...Hanauma Bay is closed and business is slower. I or my employees work from 9:00 AM to 5 PM without a "scheduled" break. However, we do have ample time to eat and take care of our personal needs. My employees are in college and are encouraged to do their homework as well. If this law were to be implemented, I believe, that I would have to bring in a second person for a break at 2:00 PM...that being said, I will have to reduce the hours of this employee to five hours this day because I cannot afford to have two employees on during this time. This will have an adverse affect on my employees financial situation and may result in prolonging her college years.

There are many other situations where we employers will find it either impossible or much more expensive to comply with this law. Can you imagine a security company's dilemma for the mid shift...call someone in at 3 in the morning for a half hour break.

Please table HB1699 and preserve local businesses.

Thank you.

Sincerely,

Winton Schoneman

**Note:** Characteristics of Minimum Wage Workers: 2010 available at <http://www.bls.gov/cps/minwage2010.htm>

Testimony for HB1699 on 2/14/2012 2:05:00 PM

**Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 4:39 PM

**To:** JUDtestimony

**Cc:** babyjean@hotmail.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Ronnie Perry

Organization: Individual

E-mail: babyjean@hotmail.com

Submitted on: 2/13/2012

Comments:

Testimony for HB1699 on 2/14/2012 2:05:00 PM

**Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 4:34 PM

**To:** JUDtestimony

**Cc:** debbie@mauicloset.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: DEBRA FINKIEWICZ

Organization: THE MAUI CLOSET COMPANY

E-mail: debbie@mauicloset.com

Submitted on: 2/13/2012

Comments:

Hold HB 1699

## Hold HB 1699

mbetters@beltcollins.com [mbetters@beltcollins.com]

**Sent:** Monday, February 13, 2012 5:06 PM

**To:** JUDtestimony

---

Cheryl Palesh  
2153 North King St. #200  
Honolulu, HI 96819

February 13, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

Dear Chairman Keith Agaran and Committee Members,

Belt Collins Hawaii LLC urges that the committee NOT pass HB1699 as this measure will place an undue burden on our business and will make it that much more difficult to recover from this tough economy as it will undermine our ability to run a business with already limited resources.

We take care of our employees by providing benefits and other accommodations. Please do not place another mandate on our business. This will only force us to reevaluate our benefit structure.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Cheryl Palesh  
521-5361

Please support small business by holding HB 1699

## **Please support small business by holding HB 1699**

bgoo@teachest.com [bgoo@teachest.com]

**Sent:** Monday, February 13, 2012 7:25 PM

**To:** JUDtestimony

---

Byron Goo  
80 sand island 203  
honolulu, HI 96819

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on my business.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Byron Goo

In opposition to HB 1699

## **In opposition to HB 1699**

victor.lim@hawaiiantel.net [victor.lim@hawaiiantel.net]

**Sent:** Monday, February 13, 2012 7:25 PM

**To:** JUDtestimony

---

Victor Lim  
1101 Fort St. Mall  
Honolulu, HI 96813-2706

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

This measure will place an undue burden on my business.

As a small business, It will be difficult to administer and will impose additional costs in running my business. I'm already operating on slim margins.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Victor Lim  
532-1596

Testimony for HB1699 on 2/14/2012 2:05:00 PM

**Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 10:37 PM

**To:** JUDtestimony

**Cc:** WSCHONEMAN@HAWAII.RR.COM

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: WINTON SCHONEMAN

Organization: Individual

E-mail: WSCHONEMAN@HAWAII.RR.COM

Submitted on: 2/13/2012

Comments:

Please hold HB 1699

## **Please hold HB 1699**

info@myhighwayinn.com [info@myhighwayinn.com]

**Sent:** Monday, February 13, 2012 2:10 PM

**To:** JUDtestimony

---

Monica Toguchi  
94-226 Leoku Street  
Waipahu, HI 96797-1919

February 13, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

I believe that government should concern itself with minimum legislation that prevents businesses from exploiting their employees. Beyond that, capital markets require businesses to stay competitive and treat employees fairly. Otherwise, businesses - large and small - risk high turnover and lack of sufficient staffing to run operations.

What prevents most employers from providing generous benefits that match union benefits (this is especially true for small businesses) is the economic model that dictates what employers can and cannot provide. The American automobile and our current government retirement program is a great example of how this plays out.

As such, this measure will place an undue burden on my business. As with many well intended legislation, these types of bills only hurt small businesses - the back bone of our economy and who collectively - employ more individuals than large corporations.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources. This is the wrong solution at the wrong time.

For example, today (2/13) a worker's comp IME bill was heard and after reviewing my numbers, I pay over \$11,000 in premiums to my insurance company. I pay over \$8,000 in GET taxes and a lot more every month in payroll taxes. I pay over \$6,000 in medical coverage and with unemployment, I paid \$400 a year in 2009, \$4000 in 2010 and in 2011, over \$15,000. As a small Hawaiian food operations, please tell me how the government expects to pay more? Even my landlord passes on his real estate taxes to me through my lease!

I take care of my employees by providing benefits and other

**Please hold HB 1699**

accommodations. Please do not place another mandate on my business. Please let businesses - especially small business determine for themselves whether they can afford this benefit for their staff.

Another government mandate will just make doing business in Hawaii more difficult - it stifles our economic recovery. It's time to do something different and be known for our education, affordable housing, technology, etc. - and all of this demands that our business climate is healthy and thriving.

Companies create jobs which generates taxes. It makes me no sense not to support what we need during this recovery and beyond.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Monica Toguchi

In opposition to HB 1699

## In opposition to HB 1699

lane@bigcitydinerhawaii.com [lane@bigcitydinerhawaii.com]

**Sent:** Tuesday, February 14, 2012 8:00 AM

**To:** JUDtestimony

---

Lane Muraoka  
94-800 Ukee Street  
Waipahu, HI 96797-4044

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

We at Big City Restaurants (400+ employees) oppose HB 1699.

As a small business, it will be difficult to administer and will impose additional costs in running my business. I'm already operating on slim margins. With the increased costs of utilities, food and insurance since 2008, we are already operating at break-even!

We currently offer 30-minute breaks to all of our employees throughout their shifts; however, most DO NOT want to take a break as they rather continue to earn money to pay their own increased bills (i.e. school, gas, food, rent, etc.).

Another government mandate will just make doing business in Hawaii more difficult and place an undue burden on my business.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Lane T. Muraoka  
808-678-3895

Hold HB 1699

## Hold HB 1699

dy@kyd-inc.com [dy@kyd-inc.com]

**Sent:** Tuesday, February 14, 2012 8:25 AM

**To:** JUDtestimony

---

D. Yamada  
2949 Koapaka Street  
Honolulu, HI 96819

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

We oppose HB 1699 for reasons that it is unnecessary and costly. It will just make everything difficult to process and create added cost.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

D. Yamada

Please hold HB 1699

**Please hold HB 1699**

kathy@valentiprintgroup.com [kathy@valentiprintgroup.com]

**Sent:** Tuesday, February 14, 2012 8:55 AM

**To:** JUDtestimony

---

Kathy Phillips  
999 Waimanu St  
HONOLULU, HI 96814-3319

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on my business. As a small business, It will be difficult to administer and will impose additional costs in running my business. I'm already operating on slim margins. I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure. Another government mandate will just make doing business in Hawaii more difficult. We already do this - do not make another rule that will cost the state and businesses more to administer than we all can afford! We just plain don't have the resources for these mandates.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Kathy Phillips  
8085912166

Hold HB 1699

## Hold HB 1699

satomi@teachest.com [satomi@teachest.com]

**Sent:** Tuesday, February 14, 2012 8:45 AM

**To:** JUDtestimony

---

Satomi Goo  
P.O. Box 1324  
Honolulu, HI 96807-1324

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This is just another burden on small businesses. I am against this bill as it will cause us to re-vamp our system so that we can survive in Hawaii.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Satomi Goo  
8085919400

Please hold HB 1699

## Please hold HB 1699

miyukih@centerscale.com [miyukih@centerscale.com]

**Sent:** Tuesday, February 14, 2012 9:06 AM

**To:** JUDtestimony

---

Miyuki Hirano-Hollingworth  
2632-A Kilihau Street  
Honolulu, HI 96819-2067

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on our business.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources.

As a small business, It will be difficult to administer and will impose additional costs in running my business. I'm already operating on slim margins.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Miyuki Hirano-Hollingworth  
808-834-8599

In opposition to HB 1699

**In opposition to HB 1699**

jlenhart@hicoffeeco.com [jlenhart@hicoffeeco.com]

**Sent:** Tuesday, February 14, 2012 7:50 AM

**To:** JUDtestimony

---

Jim Lenhart  
1555 Kalani St  
Honolulu, HI 96817-4908

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on my business.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Jim Lenhart

HB 1699 will be an undue burden on my business

## **HB 1699 will be an undue burden on my business**

paul.ahcook@parbev.com [paul.ahcook@parbev.com]

**Sent:** Tuesday, February 14, 2012 7:55 AM

**To:** JUDtestimony

---

Paul Ah Cook  
94-1450 Moaniani Street  
Waipahu, HI 96797-4632

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Paul Ah Cook  
808-678-4002

Please hold HB 1699

**Please hold HB 1699**

nokumura@vipfoodservice.com [nokumura@vipfoodservice.com]

**Sent:** Tuesday, February 14, 2012 7:50 AM

**To:** JUDtestimony

---

Nelson Okumura  
74 Hobron Avenue  
Kahului, HI 96732-2106

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Nelson Okumura  
8088701129

Testimony for HB 1699

## Testimony for HB 1699

bobs@times-supermarket.com [bobs@times-supermarket.com]

**Sent:** Tuesday, February 14, 2012 6:45 AM

**To:** JUDtestimony

---

Bob Stout  
3375 Koapaka St. D-108  
Honolulu, HI 96819-1865

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure. In a heavy customer service business such as mine it's impossible to mandate lunch breaks, they occur when we are at our slowest. Employees understand this and work with us to keep customer service at a maximum.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Bob Stout  
831-0811 X202

Testimony for HB 1699

## Testimony for HB 1699

bubbiesicecream@hawaii.rr.com [bubbiesicecream@hawaii.rr.com]

**Sent:** Tuesday, February 14, 2012 3:40 AM

**To:** JUDtestimony

---

Keith Robbins  
Bubbies Homemade Ice Cream & Desserts Inc.  
Aiea, HI 96701-3277

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on my business.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources.

As a small business, It will be difficult to administer and will impose additional costs in running my business. I'm already operating on slim margins.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Keith Robbins  
487-7218

Glenn Ida  
45-284 Pahikaua St.  
Kaneohe, Hi. 96744

Rep. Gilbert Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice-Chair  
Committee on Judiciary  
Tuesday, Feb. 14, 2012, at 2:05 PM.  
Conference Room 325

RE: **SUPPORT HB 1699**

Aloha Chair Keith-Agaran, Vice-Chair Rhoads and Committee Members,

My name is Glenn Ida and I STRONGLY SUPPORT HB1699, Relating to Labor, which requires employers to provide meal breaks for employees. Imposes penalties for failure to provide meal breaks.

My son used to work in a National Family Restaurant. His working conditions were subject to the call of the manager. He was assigned multiple tasks within the kitchen which kept him occupied most of the time during a shift without scheduled breaks of any kind much, less a meal break away from his station. He has work at other establishments under similar conditions.

Thank you for bringing this issue to the table again. HB 1699 will bring much needed relief and fair treatment to workers.

Therefore, I STRONGLY SUPPORT HB 1699.

Thank you for this opportunity to testify.

Glenn Ida  
808-295-1280

HB 1699 will be an undue burden on my business

## **HB 1699 will be an undue burden on my business**

darrel\_tajima@deanfoods.com [darrel\_tajima@deanfoods.com]

**Sent:** Sunday, February 12, 2012 9:00 PM

**To:** JUDtestimony

---

Darrel Tajima  
P.O. Box 1880  
Honolulu, HI 96805-1880

February 13, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on our business.

This measure will make it that much more difficult to recover from this tough economy as it will undermine our ability to run a business with already limited resources.

We take care of our employees by providing benefits and other accommodations. Please do not place another mandate on our business. This will only force us to reevaluate our benefit structure.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Darrel Tajima  
808-944-5958

Testimony for HB1699 on 2/14/2012 2:05:00 PM

## **Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 12:50 PM

**To:** JUDtestimony

**Cc:** darrel\_tajima@deanfoods.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Darrel Tajima

Organization: Individual

E-mail: darrel\_tajima@deanfoods.com

Submitted on: 2/13/2012

### Comments:

I am writing to respectfully oppose HB 1699, HD1, which requires employers to provide meal breaks for employees and imposes penalties for failure to provide meal breaks.

As a Human resource professional, I am keenly attuned to the needs of employers and employees. HR functions as the frontline responsible for our businesses' most valuable asset: human capital. We truly have our employees' interests at heart. I respectfully oppose this measure for the significant implementation challenges and administrative burden it would impose and for the potential for unintended consequences and costs. Among my most significant concerns are the challenges of implementing the provisions regarding the calculation of overtime payments. I 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 for overtime purposes. Thank you for the opportunity to testify.

Hold HB 1699

## Hold HB 1699

yfm@hits.net [yfm@hits.net]

**Sent:** Monday, February 13, 2012 7:45 PM

**To:** JUDtestimony

---

Alan Young  
1286 Kalani St.  
Honolulu, HI 96817-4947

February 14, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Alan I. W. Young  
8088414885

Testimony for HB1699 on 2/14/2012 2:05:00 PM

**Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 5:03 PM

**To:** JUDtestimony

**Cc:** markhubbard@hawaiiantel.net

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: mark hubbard

Organization: Individual

E-mail: markhubbard@hawaiiantel.net

Submitted on: 2/13/2012

**Comments:**

There are already adequate provisions (in my opinion) in the current law regarding meal breaks.  
Please do not pass this bill.

Thank you.

HB 1699 will be an undue burden on my business

## **HB 1699 will be an undue burden on my business**

barkle@alsco.com [barkle@alsco.com]

**Sent:** Monday, February 13, 2012 5:20 PM

**To:** JUDtestimony

---

Brian Arkle  
92-711 Anipeahi St  
Kapolei, HI 96707-1048

February 13, 2012

Chair Keith-Agaran and Committee Members

Dear Chair Keith-Agaran and Committee Members:

Testimony to the House Judiciary Committee  
Tuesday, February 14, 2012  
2:05 p.m.  
House Conference Room 325

Please hold HB 1699.

This measure will place an undue burden on my business.

This measure will make it that much more difficult to recover from this tough economy as it will undermine my ability to run a business with already limited resources.

I take care of my employees by providing benefits and other accommodations. Please do not place another mandate on my business. This will only force me to reevaluate our benefit structure.

Another government mandate will just make doing business in Hawaii more difficult.

I respectfully request that the committee does not pass HB 1699.

Sincerely,

Brian Arkle

**Testimony for HB1699 on 2/14/2012 2:05:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 1:54 PM

**To:** JUDtestimony

**Cc:** jeracah.lawless@hpmhawaii.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB1699

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Jeracah Lawless

Organization: Individual

E-mail: jeracah.lawless@hpmhawaii.com

Submitted on: 2/13/2012

**Comments:**

As an HR professional, I respectfully oppose this bill. The bill takes away the flexibility employers and employees currently have in designing work schedules that benefit both parties (for example, an employee wanting to skip a meal break in order to leave work early). It may have unintended consequences as well, such as employers reducing employee hours to four hour work shift. It could create an additional administrative burden on employers having to track and calculate the overtime (which also impacts other areas such as calculating overtime amounts for bonuses).

## Testimony for HB2600 on 2/14/2012 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, February 13, 2012 2:11 PM

**To:** JUDtestimony

**Cc:** fancher.richard@yahoo.com

---

Testimony for JUD 2/14/2012 2:05:00 PM HB2600

Conference room: 325

Testifier position: Oppose

Testifier will be present: Yes

Submitted by: MIChelle Walker

Organization: Individual

E-mail: fancher.richard@yahoo.com

Submitted on: 2/13/2012

Comments:

Honorable Chairpersons, Committee Members:

As a permanent Federal civil servant of over 27 years, I am writing wholly in opposition to HB 2600 and in particular repudiating Section 4. This proposed piece of legislation completely betrays the legislative intent of the 2000 Medical Marijuana Law in view of Chapter 23-202, Hawai'i Administrative Rules for Medical Use of Marijuana, adopted December 14, 2000. In addition to the manifest clinical studies in favor of using cannabis for cancer fighting agents, for assisting terminal and chronically ill patients with chemotherapy side effects including, but not limited to, nutrition intake, nausea mgt., pain relief, anxiety relief, insomnia relief, etc., there are numerous law reviews and other scholarly legal and medical reviews that all favor the retention of the 2000 Medical Marijuana Act for all Hawaii's medical marijuana patients. A representative example of the case in favor of medical marijuana in the legal setting disputes and repudiates Honolulu Police Department's and your other stated law enforcement Hawaiian authorities' nonspecific objections in favor of re-criminalizing marijuana for all Hawaiians, medical marijuana patients and citizens alike. Necessity and medical imperative argue in strong opposition to passage of HB2600 and Section 4 that far too closely resembles CONSERVATIVES ideologic agenda nationwide including the ongoing assault on women's reproductive rights, the assault against passage of same sex civil unions, and the like. See Boston Law Journal's 2010's "Urgent Compassion: Medical Marijuana, Prosecutorial Discretion and the Medical Necessity Defense." But as a supporter of medical marijuana rights unfettered including access to pharmacy access for terminally ill and chronically ill patients should/must not be left up to LAW ENFORCEMENT who possess a tainted conflict-of-interest in this scenario. At a time when budget cuts are everpresent and the need to justify the retention of police officers on the street being pressured from within and without, sacrificing medical marijuana patients in favor of not losing police officers'/law enforcement employment at HPD and HSA are not in keeping with the compassion, empathy, tolerance and caring for each other as Hawaiians that we all inherently possess.

With all this in mind I strongly oppose HB2600 and any and all amendments including Section 4 and ask for the substantive proof that law enforcement advances to the suggestions that medical marijuana causes any increase in crime in any of the Hawaiian Islands. Where is the proof that drives HB2600? Where are the published crime statistics in Hawaii, in Honolulu County/City, on Kauai, on Maui, on Big Island, on Molikai, etc.? The Hawaiian Legislature has published none to the public at large because YOU HAVE NONE.

In manifest observance of the obvious competing interests on this issue -- are the 1) law enforcement communities of Hawaii none of whom ever wanted to see the passage of the Medical Marijuana Act of 2000; 2) of Hawaii's Budget makers being "concerned" that their high speed rail funds from the Federal Gov't infusion is "compromised" or "put at

risk" by the retention of the current Medical Marijuana Law of 2000; and 3) Backwardly ignoring the deplorable state of substandard healthcare for insured and uninsured Hawaiian in and out patients alike in favor of sacrificing a 'small population of the most terminal and chronically ill patients. I say this to my Hawaiian Legislature, all the voters of Hawaii will remember the outcome of this proposed law in November 2012 when you come up for reelection or subsequently. And we will remove all of you from office by our ballots because it is clear that the Hawaiian public majority at large favors compassion for medical marijuana patients and not re-criminalizing antiquated and unsound drug laws that happen to exist in other jurisdictions. Hawaii is not alone, Delaware has just passed and is already instituting a pharmacy delivery system for medical marijuana patients. Is this legislature telling the Hawaiian public at large that little Delaware with proximity to states with large presences of the vice industries (gambling, liquor, tobacco, gaming) did not ENTERTAIN the law enforcement "SPECIOUS" argument that medical marijuana has ever increased crime because there are no statistics nationally or state by state to support this lie.

In summation, I wholly oppose HB2600 and will join any class action lawsuit in the event that this proposed bill becomes law on state constitutional grounds, on Americans With Disabilities Act grounds, on due process grounds and other civil rights grounds including, but not limited to, 1983 and RICO The Enterprise and Racketeering Crime Act, 28 USC 1961 et seq, 1962 et seq., 1963 et seq., 1964 et seq on the civil side of remedies for such violations. In the instance of The Medical Marijuana Act of 2000, in view of the ferocity and spirit of meanness and direct disobedience of the medical Hippocratic Oath, for ideologues including the Tea Party and GOP in our Legislature to join forces with some members of law enforcement and some religious sects to try and undermine/repeal a just and compassionate law is untenable and will not withstand Hawaiian State Constitutional scrutiny.