

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2313
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B.
No. 2313, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EQUAL PAY,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage equal
pay for equal work.

Specifically, this measure:

- (1) Requires employers to provide equal pay to employees
that perform substantially similar work;
- (2) Clarifies that a wage differential may be permissible
where an employer demonstrates that the wage
differential is based upon:
 - (A) A bona fide seniority system based upon a
collective bargaining agreement, civil service
requirement, or formal employer policy that treats
employees who do substantially similar work
equally;
 - (B) A bona fide nondiscriminatory merit system;
 - (C) Bona fide occupational qualifications that do not
have a disparate impact based on sex and that are
necessary to the position; or



- (D) A bona fide factor other than sex that is not based on a sex-based differential in compensation, is job-related to the position, and is consistent with a legitimate business necessity; and
- (3) Prohibits employers from barring employees from disclosing their own wages or discussing and inquiring about the wages of other employees.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Hawaii State Commission on the Status of Women, Hawaii Civil Rights Commission, and Planned Parenthood Votes Northwest and Hawaii.

Your Committee finds that women in Hawaii are paid roughly eighty-six cents for every dollar paid to a man for substantially similar work, and at the current rate, the wage gap Hawaii will not close until the year 2058. Your Committee further finds that pay inequity is a contributing factor to the disproportionate number of women in poverty. Your Committee believes that this measure will help to accelerate the closure of the wage gap and increase pay for women.

Your Committee has amended this measure by adding provisions that prohibit a prospective employer from:

- (1) Screening a job applicant based on wage or salary history; and
- (2) Requesting the wage or salary history of a job applicant from any current or former employer of the job applicant.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2313, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

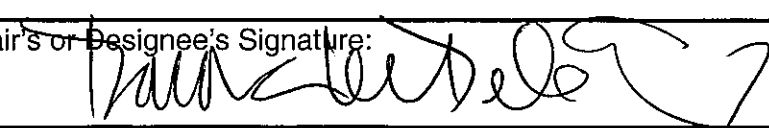


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2313, SD1	SDL, WAM	3/1/16
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TOKUDA, Jill N. (C)	/	
DELA CRUZ, Donovan M. (VC)	/	
CHUN OAKLAND, Suzanne	/	
ENGLISH, J. Kalani	/	
GALUTERIA, Brickwood		/
HARIMOTO, Breene	/	
INOUE, Lorraine R.	/	
RIVIERE, Gil	/	
TANIGUCHI, Brian T.	/	
WAKAI, Glenn	/	
SLOM, Sam		/
TOTAL	9	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes