

JAN 19 2018

S.B. NO. 2288

A BILL FOR AN ACT

RELATING TO FAIR SCHEDULING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that providing advance
2 notice of work schedules and any schedule changes allows
3 employees to have more stability in their lives, including the
4 ability to earn additional income when working more than one
5 job. More than one in four low-wage employees have nonstandard
6 work schedules and about half report having little or no control
7 over the timing of their work hours, according to the National
8 Women's Law Center. Furthermore, many low-wage jobs often do
9 not guarantee a minimum number of hours, expect open
10 availability based on the employer's needs, and require working
11 outside of 6:00 a.m. to 6:00 p.m. on weekdays.

12 The legislature further finds that scheduling practices
13 known as "fair scheduling" can make a real difference in the
14 lives of working people and especially for working parents and
15 caregivers. Several jurisdictions in the United States have
16 enacted fair scheduling legislation, including statewide
17 requirements in Oregon and citywide requirements in Seattle and



1 New York City. In addition, many more jurisdictions are
2 considering legislation to help employees obtain predictable
3 work schedules.

4 The purpose of this Act is to require Hawai'i employers to
5 engage in fair scheduling practices.

6 SECTION 2. Chapter 387, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§387- Fair scheduling; advance notice of work schedule.

10 (a) Every employer shall provide each employee with written
11 notice of the employee's shift schedule at least ten calendar
12 days before the employee is scheduled to work.

13 (b) Every employer shall pay an employee an amount equal
14 to two times the employee's regular rate of pay for any time
15 worked where the employee was not provided with ten calendar
16 days written notice. This subsection shall not apply when:

17 (1) The employee is the employer's brother, sister,
18 brother-in-law, sister-in-law, son, daughter, spouse,
19 parent, or parent-in-law; or



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(2) The employee is required, no more than once in a three-month period, to work a shift due to another employee's illness or personal emergency.

(c) For the purposes of this section and notwithstanding section 387-1:

"Employee" includes any person suffered or permitted to work.

"Employer" includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons acting directly or indirectly in the interest of an employer in relation to an employee."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: Paul H. H. H.



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Report Title:

Fair Scheduling; Work Schedule; Notice; Employee; Employer

Description:

Requires employers to provide employees with written notice of the employee's shift schedule at least ten calendar days before the employee is schedule to work, under certain conditions.

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