

JAN 22 2021

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 lives
14 of working people, 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 the
17 employee is the employer's brother, sister, brother-in-law,
18 sister-in-law, son, daughter, spouse, parent, or parent-in-law.

19 (c) Notwithstanding any law to the contrary, this section
20 shall not be construed to affect any employer or employee right
21 under an existing collective bargaining agreement.



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

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

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

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:



S.B. NO. 290

Report Title:

Labor; Shift Schedules; 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 scheduled to work, under certain circumstances. Requires certain employers to pay their employees twice as much as their regular rate of pay for time worked when their shift schedule was not timely given.

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