



GOV. MSG. NO. 1706

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB1057 SD2 HD2 CD1

RELATING TO EMPLOYMENT EARNINGS.
ACT 203

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2023

ACT 203

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 1057
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO EMPLOYMENT EARNINGS.

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

1 SECTION 1. The legislature finds that requiring employers
2 to include pay or salary as part of a job advertisement helps to
3 increase pay transparency and equal pay for all employees.
4 California, Colorado, and New York City have recently enacted
5 laws requiring job advertisements to include pay, and initial
6 experiences have benefited employers, current employees, and
7 prospective employees. Employers and prospective employees
8 spend less time interviewing because prospective employees will
9 not apply to jobs with a pay level that they feel is too low,
10 and current employees have benefitted from seeing the salaries
11 of new employees and have used that information to seek higher
12 wages, thereby helping to reduce pay inequalities.

13 The purpose of this Act is to reduce pay inequalities by:

14 (1) Requiring certain job listings to disclose the hourly
15 rate or salary range that reasonably reflects the
16 actual expected compensation; and

17 (2) Prohibiting an employer from discriminating between
18 employees because of any protected category by paying



1 wages to employees in an establishment at a rate less
2 than the rate at which the employer pays wages to
3 other employees in the establishment for substantially
4 similar work.

5 SECTION 2. Chapter 378, Hawaii Revised Statutes, is
6 amended by adding a new section to part I to be appropriately
7 designated and to read as follows:

8 "§378- Job listing; disclosures. (a) Job listings
9 shall disclose an hourly rate or salary range that reasonably
10 reflects the actual expected compensation.

11 (b) This section shall not apply to job listings for:

12 (1) Positions that are internal transfers or promotions
13 within a current employer;

14 (2) Public employee positions for which salary, benefits,
15 or other compensation are determined pursuant to
16 collective bargaining; or

17 (3) Positions with employers having fewer than fifty
18 employees."

19 SECTION 3. Section 378-2.3, Hawaii Revised Statutes, is
20 amended by amending its title and subsection (a) to read as
21 follows:



1 "§378-2.3 Equal pay[~~-, sex discrimination~~]. (a) No
2 employer shall discriminate between employees because of [~~sex,~~]
3 any protected category listed in section 378-2(a)(1) by paying
4 wages to employees in an establishment at a rate less than the
5 rate at which the employer pays wages to other employees [~~of the~~
6 ~~opposite sex~~] in the establishment for [~~equal work~~]
7 substantially similar work on jobs the performance of which
8 requires equal skill, effort, and responsibility, and that are
9 performed under similar working conditions. Payment
10 differentials resulting from:
11 (1) A seniority system;
12 (2) A merit system;
13 (3) A system that measures earnings by quantity or quality
14 of production;
15 (4) A bona fide occupational qualification; or
16 (5) A differential based on any other permissible factor
17 other than [~~sex[,]~~] any of the protected categories
18 listed in section 378-2(a)(1),
19 do not violate this section."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on January 1, 2024.

APPROVED this 3rd day of July, 2023



GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 1057, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives