

STAND. COM. REP. NO. **2275**

Honolulu, Hawaii

**FEB 13 2024**

RE: S.B. No. 3152  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred  
S.B. No. 3152 entitled:

"A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal the  
categorical exclusion of employees who receive guaranteed  
compensation totaling \$2,000 or more a month from the protections  
of Hawaii's Wage and Hour Law.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations, Hawai'i  
Children's Action Network Speaks!, Democratic Party of Hawai'i  
Education Caucus, Hawai'i Workers Center, and one individual.

Your Committee finds that under the existing Hawaii Wage and  
Hour Law, the definition of "employee" excludes individuals who  
are employed at a guaranteed compensation totaling \$2,000 or more  
a month. These employees are not provided the protection of  
minimum or overtime wage rates, and their employers are not  
required to comply with the law's recordkeeping provisions, also  
designed to protect workers. Your Committee further finds that  
while minimum wage continues to be changed and adjusted, the  
guaranteed compensation exemption has not been correspondingly  
changed. The last time the guaranteed compensation level was  
changed was in 2002, whilst minimum wage has been adjusted nine



times since, and as of today, a monthly compensation of \$2,100 is lower than the monthly wage of an employee earning the minimum wage of \$14.00 per hour. This measure will allow more employees to be eligible for minimum wage, overtime compensation, and recordkeeping requirements regardless of their guaranteed monthly compensation.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3152, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3152, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor and  
Technology,

  
HENRY J.C. AQUINO, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>SB3152</b>	Committee Referral: <b>LBT, NAM</b>	Date: <b>2/7/24</b>		
<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				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
AQUINO, Henry J.C. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
IHARA, Jr., Les	X			
LEE, Chris				X
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency            Committee File Copy				

**\*Only one measure per Record of Votes**