

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHAHA

February 9, 2024

To: The Honorable Henry J.C. Aquino, Chair,
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Friday, February 9, 2024
Time: 3:15 p.m.
Place: Conference Room 224, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 2712 RELATING TO WAREHOUSE WORKERS

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR offers comments** on this measure. SB2712 establishes a new chapter known as the Warehouse Worker Protection Act. It requires certain warehouse employers to provide written descriptions of quotas to employees and maintain records of quotas and employee work speed data. This measure also protects employees from quotas that would prevent compliance with meal or rest periods or the use of bathroom facilities and allows employees to request a written description of their quota and employee work speed data. In addition, this measure requires the Director of Labor and Industrial Relations to adopt rules to implement the provisions of the Act.

II. CURRENT LAW

Under Section 387-6(a), Hawaii Revised Statutes (HRS), of the Wage and Hour Law, every employer shall keep in or about the premises wherein any employee is employed a contemporaneous, true, and accurate record of: (1) The name, address, and occupation of each employee; (2) The amount paid each pay period to each employee; (3) The hours worked each day and each workweek by each employee; (4) The rate or rates of pay of each employee and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other basis; gross wages; deductions; allowances, if any, claimed as part of the minimum wage; and net wages; and (5) Any other information and for the periods of time as the director may by rule prescribe.

Section 390-2(c)(3), HRS, Child Labor Law, provides minors ages fourteen or fifteen may be employed or permitted to work no more than five hours continuously without an interval of at least thirty consecutive minutes for a rest or lunch period. There is no law that requires rest or meal breaks for other employees.

III. COMMENTS ON THE SENATE BILL

An employee's rate of pay and wages, whether the amount is determined on a time, task, piece, commission, or other basis of calculation, is determined by an employer's policy.

Chapter 387, HRS, Wage and Hour Law, requires employers to compensate all covered employees at least the statutory minimum wage under Section 387-2, HRS.

The DLIR believes this measure would be very difficult to enforce. In addition to time records of hours worked already required under Section 387-6, HRS, this measure requires employers to keep additional records of meal, rest, and bathroom breaks taken, to ensure those hours are not counted towards the employee's work speed data or quota. The DLIR counts rest breaks of five to twenty minutes as hours worked and those hours are compensable. However, for quota purposes contained in this measure, the time spent in a rest or bathroom break shall not be counted as productive time.

If this measure moves through the legislative process, the DLIR suggests discussions on quota provisions in the law should cover all industrial sectors or occupations and not be limited to a specific industry.

This measure also does not contain a remedy—including penalties for violations and whether the department would enforce the law administratively or through court.



INTERNATIONAL LONGSHORE & WAREHOUSE UNION
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LOCAL 142

February 7, 2024

The Thirty-Second Legislature
Regular Session of 2024

THE SENATE

Committee on Labor and Technology

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

State Capitol, Conference Room 224 & Videoconference
Friday, February 9, 2024; 3:15 p.m.

STATEMENT OF THE ILWU LOCAL 142 IN STRONG SUPPORT OF SB2712 RELATING TO WAREHOUSE WORKERS

Aloha Chair Aquino, Vice Chair Moriwaki, and members of the Labor and Technology Committee.

I am writing on behalf of the International Longshore and Warehouse Union Local 142 to express our **Strong Support** for Senate Bill No. 2712, the Warehouse Worker Protection Act. This legislation addresses critical issues faced by warehouse and distribution center employees, particularly those working under strenuous and often unrealistic quotas imposed by some employers.

As a union representing warehouse workers, we are keenly aware of the detrimental impact of these quotas on the well-being of warehouse employees. SB 2712 recognizes the challenges faced by these workers and proposes essential protections to ensure their safety, rights, and fair compensation.

The rapid growth of just-in-time logistics and consumer package delivery, coupled with technological advances in tracking employee productivity, has led to the imposition of quantified work quotas on warehouse and distribution center workers. Large corporations have advanced these systems tremendously and are now building warehouses across Hawai'i. The literature on the impacts of such systems is extensive.

The consequences of these quotas are severe, resulting in excessive workloads, unattainable targets, and inadequate breaks for employees. Workers face the constant pressure to meet or



exceed quotas, risking their physical and mental health in the process. Workers are often at the cusp of either termination or resignation under such systems, creating high turnover rates and overall wage suppression.

SB 2712 addresses these concerns comprehensively, recognizing that quotas often lead to an increased risk of injury and illness among warehouse workers. It acknowledges the impact of quotas on compensation, as workers may not receive the full benefits of minimum wages when quotas are adjusted to account for minimum-wage increases. Especially important for Hawai'i, SB 2712 acknowledges the disproportionate impact on people of color in the warehouse and logistics workforce, highlighting the need for protective measures.

The ILWU Local 142 is fully committed to combating exploitative working conditions on Hawai'i's people. This is our defining history and as we see large corporations bringing in systems that are dangerous and designed to push workers to unsafe human limits, we implore our lawmakers to work with us to ensure Hawai'i remains a place where such employer practices are buried deep in the past and no longer welcome in Hawai'i. The safety and well-being of workers must come above all.

Thank you for considering our testimony, and we urge you to support the Warehouse Worker Protection Act for the maintenance of worker dignity and safety in Hawai'i.

A handwritten signature in cursive script that reads "Christian West".

Christian West
President, ILWU Local 142

SB-2712

Submitted on: 2/7/2024 9:47:16 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Vernon L Kwan	Individual	Support	Written Testimony Only

Comments:

I support this Bill SB2712 !!

SB-2712

Submitted on: 2/7/2024 9:54:49 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Pua'ena Ahn	Individual	Support	Written Testimony Only

Comments:

Support.

SB-2712

Submitted on: 2/7/2024 11:53:30 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kawenaʻulaokala Kapahua	Individual	Support	Written Testimony Only

Comments:

Aloha

Mahalo for the opportunity to testify. I am testifying in **Strong Support** for Sb2712 relating warehouse workers. We are all at this point aware of the heinous workplace violations committed by Amazon against their warehouse workers. We've all read too many news stories about workers having to relieve themselves in water bottles because they were denied bathroom breaks. Extreme quotas contribute to fatigue which can be deadly when surrounded by heavy machinery and warehouse boxes. In order to keep Hawai'i's warehouse workers safe you must pass this bill. Ensure that warehouse companies like Fisher, Amazon, Costco, others are obligated to be fair with their workers by communicating quotas and not putting them in danger.

Mahalo,

Kawenaʻulaokalā Kapahua

SB-2712

Submitted on: 2/7/2024 1:28:58 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Collin Mansanas	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2712

SB-2712

Submitted on: 2/7/2024 1:40:22 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Pomai Kalama	Individual	Support	Written Testimony Only

Comments:

I support SB2712!

SB-2712

Submitted on: 2/7/2024 1:40:41 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Anapuni Coleman	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2712

Submitted on: 2/7/2024 1:40:48 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Blair Nahale	Individual	Support	Written Testimony Only

Comments:

I strongly support sb2712

SB-2712

Submitted on: 2/7/2024 1:40:57 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Mueller	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 1:42:38 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Jack Runburg	Individual	Support	Written Testimony Only

Comments:

Amazon has a long track record of creating an unsafe and unsustainable work environment for its warehouse workers. Horror stories of no bathroom breaks and long term damage to knees/ankles and even deaths plague the company.

Amazon has decided that they will make more money as a company if they have a warehouse here. But their presence should not be at the expense of our workers. This bill provides crucial protection for workers and Amazon has shown repeatedly that it won't prioritize worker safety if it isn't required to.

I support this bill.

SB-2712

Submitted on: 2/7/2024 1:43:57 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Cameron kama	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 1:44:00 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Dunhour	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 1:45:30 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kona Makaula	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 1:50:06 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Robbie Paikai	Individual	Support	Written Testimony Only

Comments:

I am in strong support of SB2712

SB-2712

Submitted on: 2/7/2024 2:16:25 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauren Taijeron	Individual	Support	Written Testimony Only

Comments:

I support SB 2712. We must support workers rights.

SB-2712

Submitted on: 2/7/2024 2:17:18 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Chew	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support SB2712

Thank you

SB-2712

Submitted on: 2/7/2024 2:42:29 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
jose miramontes jr	Individual	Support	Written Testimony Only

Comments:

I am full support of this Bill.

SB-2712

Submitted on: 2/7/2024 2:45:09 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
jeffery Robert Ramos	Individual	Support	Written Testimony Only

Comments:

Strongly support this bill

SB-2712

Submitted on: 2/7/2024 3:11:30 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Hewlen	Individual	Support	Written Testimony Only

Comments:

Strongly support

SB-2712

Submitted on: 2/7/2024 3:13:35 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Liam Wilmott	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 3:20:02 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Like	Individual	Support	Written Testimony Only

Comments:

I Robert Like, support SB2712.

SB-2712

Submitted on: 2/7/2024 4:04:42 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Clarence k chun	Individual	Support	Written Testimony Only

Comments:

Support

SB-2712

Submitted on: 2/8/2024 9:19:47 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Corey	Individual	Support	Written Testimony Only

Comments:

February 7, 2024

Re: Bill SB 2712 Relating to Warehouse Workers

My name is Corey Asano. I am born and raised on the island of Oahu. I am a Hotel Worker at the Sheraton Waikiki and a Unite Here Local 5 union member. I am in SUPPORT of SB 2712. Human beings are not robots and deserve to earn an honest day's pay and BE TREATED with RESPECT and DIGNITY. Meal breaks, rest periods and the use of the bathroom are basic needs and should not be restricted to maintain unrealistic quotas. Our laws and our tax dollars should be to support Hawaii people and not corporate greed. Hawaii workers first!

Mahalo,

Corey

SB-2712

Submitted on: 2/8/2024 8:53:56 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Bhansen	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB2712!

SB-2712

Submitted on: 2/8/2024 12:29:23 AM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Faatasiga Tupua	Individual	Support	Written Testimony Only

Comments:

Support

SB-2712

Submitted on: 2/7/2024 10:34:21 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashkhon Kuhaulua	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 9:32:40 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Ka'ena Paikai	Individual	Support	Written Testimony Only

Comments:

I support SB2712

SB-2712

Submitted on: 2/7/2024 8:17:43 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Pita Hiko	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2712

SB-2712

Submitted on: 2/7/2024 6:26:09 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Neill Amasaki	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2712

Submitted on: 2/7/2024 5:49:40 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Montgomery Meyer	Individual	Support	Written Testimony Only

Comments:

I support SB2712

Mahalo

SB-2712

Submitted on: 2/7/2024 5:29:23 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Dane Kaluhiwa	Individual	Support	Written Testimony Only

Comments:

Support

SB-2712

Submitted on: 2/7/2024 4:50:22 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
DANIEL ORTIZ	Individual	Support	Written Testimony Only

Comments:

I support Bill SB2712

SB-2712

Submitted on: 2/7/2024 4:12:46 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Makana Fronda	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

SB-2712

Submitted on: 2/7/2024 5:07:42 PM

Testimony for LBT on 2/9/2024 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Ramos	Individual	Support	Written Testimony Only

Comments:

I strongly support Bill SB2712.