

---

## A BILL FOR AN ACT

---

RELATING TO WAREHOUSE WORKERS.

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

1       SECTION 1. The legislature finds that the rapid growth of  
2 just-in-time logistics and same- and next-day consumer package  
3 delivery, and advances in technology used for tracking employee  
4 productivity, have led to a rise in the number of warehouse and  
5 distribution center workers who are subject to quantified work  
6 quotas. Warehouse and distribution center employees who work  
7 under quotas are expected to complete a quantified number of  
8 tasks within specific time periods, often measured down to the  
9 minute or second, and face adverse employment action, including  
10 suspension or termination, if they fail to do so.

11       The legislature further finds that those quotas generally  
12 do not allow for workers to comply with safety guidelines or to  
13 recover from strenuous activity during productive work time,  
14 leaving warehouse and distribution center employees who work  
15 under them at high risk of injury and illness.

16       The legislature additionally finds that the quotas under  
17 which warehouse and distribution center employees regularly work



1 also affect their compensation. Warehouse and distribution  
2 center employees who work under a quota may not receive the full  
3 benefit of minimum wages if their quota is increased to make up  
4 for the direct or indirect effect of a minimum-wage increase.

5 The legislature also finds that quotas in occupations that  
6 are already physically demanding incentivize unsafe work,  
7 resulting in an increase in injuries. The legislature notes  
8 that the workforce in warehouse and logistics is largely  
9 comprised of people of color who depend upon these jobs to  
10 provide for their families and often see no alternative but to  
11 prioritize quota compliance over their own safety. These  
12 workers often work faster than is healthy in order to keep their  
13 jobs.

14 The legislature recognizes that workplace injuries can take  
15 a terrible toll on workers, their families, and their  
16 communities, and can create substantial costs for employers.  
17 The most common types of work-related serious injury reported by  
18 employers in the warehouse sector are musculoskeletal injuries,  
19 which often require workers to miss work and can force workers  
20 permanently out of the job and even out of the workforce.



1       Accordingly, the purpose of this Act is to establish the  
2       Warehouse Worker Protection Act to create new requirements and  
3       protections for the benefit of employees in certain warehouse  
4       distribution centers.

5       SECTION 2. The Hawaii Revised Statutes is amended by  
6       adding a new chapter to be appropriately designated and to read  
7       as follows:

8                               **"CHAPTER**

9                               **WAREHOUSE WORKER PROTECTION ACT**

10       §   -1   **Short title.** This chapter shall be known and may  
11       be cited as the "Warehouse Worker Protection Act".

12       §   -2   **Definitions.** As used in this chapter:

13       "Controlled group of corporations" has the same meaning as  
14       defined under section 1563 of the Internal Revenue Code of 1986,  
15       as amended, except that fifty per cent shall be substituted for  
16       eighty per cent where eighty per cent is specified in that  
17       definition.

18       "Defined time period" means any unit of time measurement  
19       equal to or less than the duration of an employee's shift, and  
20       includes hours, minutes, and seconds and any fraction thereof.



1 "Director" means the director of labor and industrial  
2 relations.

3 "Employee" means a nonexempt and non-administrative  
4 employee who works at a warehouse distribution center and is  
5 subject to a quota.

6 "Employee work speed data" means information an employer  
7 collects, stores, analyzes, or interprets relating to an  
8 individual employee's performance of a quota, including but not  
9 limited to quantities of tasks performed, quantities of items or  
10 materials handled or produced, rates or speeds of tasks  
11 performed, measurements or metrics of employee performance in  
12 relation to a quota, and time categorized as performing tasks or  
13 not performing tasks. "Employee work speed data" includes  
14 aggregated information that an employer has combined or  
15 collected together in summary or other form so that the data  
16 cannot be identified with any individual.

17 "Employer" means a person who directly or indirectly, or  
18 through an agent or any other person, including through the  
19 services of a third party employer, temporary services, staffing  
20 agency, independent contractor, or any similar entity, at any  
21 time in the prior twelve months, employs or exercises control



1 over the wages, hours, or working conditions of one hundred or  
2 more employees at a single warehouse distribution center or five  
3 hundred or more employees at one or more warehouse distribution  
4 centers in the State; provided that:

5 (1) All employees employed directly or indirectly, through  
6 an agent or any other person, or employed by a member  
7 of a controlled group of corporations of which the  
8 employer is a member, shall be counted in determining  
9 the number of employees employed at a single warehouse  
10 distribution center or at one or more warehouse  
11 distribution centers in the State; and

12 (2) All agents or other persons, and all members of a  
13 controlled group of corporations of which the employer  
14 is a member, shall be deemed to be employers.

15 "Person" means an individual, corporation, partnership,  
16 limited partnership, limited liability partnership, limited  
17 liability company, business trust, estate, trust, association,  
18 joint venture, agency, instrumentality, or any other legal or  
19 commercial entity, whether domestic or foreign.

20 "Quota" means a work standard that:

21 (1) An employee is assigned or required to perform:



- 1 (A) At a specified productivity speed;  
2 (B) As a quantified number of tasks; or  
3 (C) To handle or produce a quantified amount of  
4 material, within a defined time period; or

5 (2) An employee's actions are categorized between time  
6 performing tasks and not performing tasks, and the  
7 employee's failure to complete a task performance  
8 standard or recommendation may have an adverse impact  
9 on the employee's continued employment or the  
10 conditions of employment.

11 "Warehouse distribution center" means an establishment as  
12 defined by any of the following North American Industry  
13 Classification System codes, however the establishment is  
14 denominated:

- 15 (1) 493 for warehousing and storage;  
16 (2) 423 for merchant wholesalers, durable goods;  
17 (3) 424 for merchant wholesalers, nondurable goods;  
18 (4) 454110 for electronic shopping and mail-order houses;  
19 or  
20 (5) 492110 for couriers and express delivery services.



1       §    **-3 Quotas.** Each employer shall provide to each  
2 employee, upon hire, or within thirty days of the effective date  
3 of this chapter, a written description of each quota to which  
4 the employee is subject, including the quantified number of  
5 tasks to be performed or materials to be produced or handled,  
6 within the defined time period, and any potential adverse  
7 employment action that could result from failure to meet the  
8 quota. The employer shall provide an updated written  
9 description of each quota to which the employee is subject  
10 within two business days of any quota change. The employer  
11 shall provide any employee against whom the employer takes an  
12 adverse employment action with the applicable quota for the  
13 employee.

14       §    **-4 Protection from quotas.** An employee shall not be  
15 required to meet a quota that prevents compliance with meal or  
16 rest periods or use of bathroom facilities, including reasonable  
17 travel time to and from bathroom facilities. An employer shall  
18 not take adverse employment action against an employee for  
19 failure to meet a quota that does not allow a worker to comply  
20 with meal and rest periods or for failure to meet a quota that



1 has not been disclosed to the employee pursuant to section -  
2 3.

3 § -5 **Time on task.** Consistent with existing law, paid  
4 and unpaid breaks shall not be considered productive time for  
5 the purpose of any quota or monitoring system unless the  
6 employee is required to remain on call.

7 § -6 **Recordkeeping.** (a) Each employer shall establish,  
8 maintain, and preserve contemporaneous, true, and accurate  
9 records of the following:

10 (1) Each employee's own personal employee work speed  
11 data;

12 (2) The aggregated employee work speed data for similar  
13 employees at the same establishment; and

14 (3) The written descriptions of the quota the employee was  
15 provided pursuant to section -3.

16 Records shall be maintained and preserved throughout the  
17 duration of each employee's period of employment and made  
18 available to the director upon request.

19 (b) Subsequent to any employee's separation from the  
20 employer, the records relating to the six month period before  
21 the date of the employee's separation from the employer shall be





1 preserved for at least three years subsequent to the date of the  
2 employee's separation and made available to the director upon  
3 request. Nothing in this section shall require an employer to  
4 keep employee work speed data records if the employer does not  
5 use quotas or monitor employee work speed data.

6       **§ -7 Right to request.** (a) A current employee has the  
7 right to request a written description of each quota to which  
8 the employee is subject, a copy of the employee's own personal  
9 employee work speed data, and a copy of the prior six months of  
10 aggregated employee work speed data for similar employees at the  
11 same establishment.

12       (b) A former employee has the right to request, within  
13 three years subsequent to the date of the employee's separation  
14 from the employer, a written description of the quota to which  
15 the employee was subject as of the date of the employee's  
16 separation, a copy of the employee's own personal employee work  
17 speed data for the six months before the employee's date of  
18 separation, and a copy of aggregated employee work speed data  
19 for similar employees at the same establishment for the six  
20 months before the employee's date of separation.



1 (c) Requested records pursuant to this section shall be  
2 provided at no cost to the current or former employee.

3 (d) The employer shall provide requested records pursuant  
4 to this section as soon as practicable; provided that requested  
5 written descriptions of the quota shall be provided no later  
6 than two business days following the date of the receipt of the  
7 request and requested personal employee work speed data and  
8 aggregated employee work speed data shall be provided no later  
9 than seven business days following the date of the receipt of  
10 the request.

11 (e) Nothing in this section shall require an employer to  
12 use quotas or monitor employee work speed data. An employer  
13 that does not monitor employee work speed data shall have no  
14 obligation to provide the data.

15 **§ -8 Unlawful retaliation.** (a) No person, including  
16 but not limited to an employer, the employer's agent, or person  
17 acting as or on behalf of a hiring entity, or the officer or  
18 agent of any entity, business, corporation, partnership, or  
19 limited liability company, shall discharge or in any way  
20 retaliate, discriminate or take adverse action against any  
21 person for exercising any rights conferred under this chapter,



1 or for being perceived as exercising rights conferred by this  
2 chapter, including but not limited to:

3 (1) Initiating a request for information about a quota or  
4 personal employee work speed data pursuant to  
5 section -7(a); or

6 (2) Making a complaint related to a quota alleging any  
7 violation of this chapter to the director; any other  
8 local, state, or federal governmental agency or  
9 official; or the employer.

10 (b) An employee need not explicitly refer to this chapter  
11 to be protected from an adverse action. This section shall  
12 apply to former employees and to employees who mistakenly but in  
13 good faith allege violations of this chapter.

14 (c) If a person takes adverse action against an employee  
15 within ninety days of the employee's engaging or attempting to  
16 engage in activities protected by this chapter, the conduct  
17 shall raise a rebuttable presumption that the action is an  
18 adverse action in violation of this chapter. The presumption  
19 may be rebutted by clear and convincing evidence that:

20 (1) The action was taken for other permissible reasons;  
21 and



(2) The engaging or attempting to engage in activities protected by this chapter was not a motivating factor in the adverse action.

§ -9 **Enforcement.** The director shall adopt rules pursuant to chapter 91 to implement this chapter. The director shall be authorized to enforce this chapter and to assess civil penalties.

§ -10 **Other powers.** The attorney general, either upon the attorney general's own complaint or the complaint of any person acting for themselves or the general public, may prosecute actions, either civil or criminal, for violations of this chapter, and enforce this chapter independently and without specific direction of the director."

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

SECTION 4. 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




1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

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

4

INTRODUCED BY:



JAN 22 2026



# H.B. NO. 1791

**Report Title:**

Warehouse Worker Protection Act; Warehouse Quotas; Employer Recordkeeping

**Description:**

Establishes the Warehouse Worker Protection Act. Requires certain warehouse employers to provide written descriptions of quotas to employees and maintain records of quotas and employee work speed data. Protects employees from quotas that would prevent compliance with meal or rest periods or the use of bathroom facilities. Allows employees to request a written description of their quota and employee work speed data. Requires the Director of Labor and Industrial Relations to adopt rules to implement the provisions of the Act.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

