



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday, February 19, 2026 9:30 a.m.
Conference Room 309 & Videoconference
State Capitol, 415 South Beretania Street

To:
[COMMITTEE ON LABOR](#)
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

From: Alphonso Braggs, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. 2367 Relating to EMPLOYMENT EARNINGS
Testimony in SUPPORT

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

Thank you for the opportunity to testify on HB2367, which amends HRS § 378-2.8 to clarify job listing disclosure requirements and eliminates the exemption threshold for small employers. We support HB2367 because it makes it clear that all types of employers are covered, regardless of size, and is another step toward pay equity in Hawai‘i. Hawai‘i’s anti-discrimination law in HRS Chapter 378 applies to employers with at least one employee. This shows the Legislature’s belief that civil rights protections should not depend on the size of the

employer.

Pay inequity hits hardest in groups that already face barriers: women, especially Native Hawaiian, Pacific Islander, and Filipina women; people of color; workers in rural areas, where small employers dominate; workers in low-wage industries, where pay secrecy is common; and anyone who lacks bargaining power, including young workers and immigrants. But the truth is that everyone is affected. When unfair pay is allowed to continue, it drags down wages across entire industries, normalizes secrecy, and creates a culture where discrimination can hide.

The Hawai'i State Constitution contains one of the strongest equal rights provisions in the country. Article I, Section 5 states:

“No person shall be denied the equal protection of the laws.”

This is a broad, affirmative guarantee. *It does not say “only in workplaces with more than 25 employees.” It says **no person**.*

Pay equity is about equal protection. If two people do the same work, the law should protect their right to be paid fairly. When pay equity laws exclude workers in small workplaces, they carve out a constitutional right based on employer size. That is inconsistent with Hawai'i's constitutional commitment to equality.

Hawai'i's Constitution also includes Article I, Section 3, which protects **equal rights regardless of sex**. Pay discrimination is one of the clearest and most measurable forms of sex-based inequality. Ensuring pay equity is one of the most direct ways to fulfill this constitutional mandate. Pay equity and pay transparency are essential for making sure people are paid fairly for the work they do. When pay practices are open and easy to understand, it becomes much harder for unfair differences to take root. This helps prevent hidden disparities, builds trust, and

gives employees the information they need to make informed decisions. In a state with a high cost of living like Hawai'i, fair pay is not just a workplace issue. It is a matter of basic economic security for families.

Thank you for the opportunity to testify.



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

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Rep. Jackson D. Sayama, Chair

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Re: HB 2367 Relating to Employment Earnings

Testimony in SUPPORT

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

The HCRC supports this bill which will remove the exemption for employers with less than fifty employees as well as explicitly apply to full-time, part-time, temporary, and seasonal employees, while still providing exemptions for transfers/promotions, and public positions where compensation is set via collective bargaining.

The Hawai'i State Constitution contains one of the strongest equal rights provisions in the country. Article I, Section 5 states:

“No person shall be denied the equal protection of the laws.”

This is a broad, affirmative guarantee. *It does not say “only in workplaces with more than a certain number of employees.” It says no person.*

HB 2367 is consistent with Hawai'i's history of protecting workers in all workplaces. It avoids creating gaps in coverage that weakens pay equity and limit transparency. Salary transparency is one of the most effective tools we have to close pay gaps and ensure that compensation is based on merit and job-related factors.

Pay inequity hits hardest in groups that already face barriers: women, especially Native Hawaiian, Pacific Islander, and Filipina women; people of color; workers in rural areas, where small employers dominate; workers in low-wage industries, where pay secrecy is common; and anyone who lacks bargaining power, including young workers and immigrants.

But the truth is that everyone is affected. When unfair pay is allowed to continue, it drags down wages across entire industries, normalizes secrecy, and creates a culture where discrimination can hide.

Pay equity is about equal protection. If two people do the same work, the law should protect their right to be paid fairly. When pay equity laws exclude workers in small workplaces, they carve out a constitutional right based on employer size. That is inconsistent with Hawai'i's constitutional commitment to equality.

Hawai'i's Constitution also includes Article I, Section 3, which protects **equal rights regardless of sex**. Pay discrimination is one of the clearest and most measurable forms of

sex-based inequality. Ensuring pay equity is one of the most direct ways to fulfill this constitutional mandate.

Pay equity and pay transparency are essential for making sure people are paid fairly for the work they do. When pay practices are open and easy to understand, it becomes much harder for unfair differences to take root. This helps prevent hidden disparities, builds trust, and gives employees the information they need to make informed decisions. In a state with a high cost of living like Hawai'i, fair pay is not just a workplace issue. It is a matter of basic economic security for families.

The HCRC strongly supports HB2367 as it promotes equity by eliminating small employer exemptions, ensuring that all employers are held to the same standard. This alignment with Hawai'i's anti-discrimination law in HRS Chapter 378 underscores the Legislature's commitment to the principle that civil rights protections should be universal, regardless of employer size. It is imperative that we uphold these values to foster a fair and just workplace for everyone.

For these reasons, we respectfully urge the Committee to advance HB2367, which reflects Hawai'i's commitment to fairness, equity, and transparency in employment practices. Let's have statewide universal posting transparency across employer sizes.

Mahalo for hearing this measure.



To: Hawaii State House Committee on Labor

RE: Testimony in STRONG SUPPORT of HB2367 Relating to Employment Earnings

Dear Chair Sayama, Vice Chair Lee, and members of the Committee,

The members of AAUW of Hawai'i thank you for hearing this measure. We strongly support HB2367, a measure which would require all employers to disclose wage ranges on job listings, by removing the exemption for employers having fewer than 50 employees. All employees deserve pay transparency and pay transparency is good for all businesses. About 49% of the Hawai'i's workforce work for businesses with fewer than 50 employees accordingly to DBEDT¹.

Pay transparency is one of the best employment practices according to a study by Payscale² and 82% of U.S. workers are more likely to consider applying for a job if pay range is included in the job posting according to a study by Society of Human Resource Management³. This bill with the requested amendment would make the best employment practice available to all employers and employees. This bill can make Hawai'i a leader in the area of pay equity.

- Research shows that workers stay longer and are more productive, when working for companies which treat them with dignity.
- A recent Harvard-Berkeley study showed that pay inequality decreased worker attendance, cooperation, and output.⁴
- Being up front about wages saves businesses time so that they are not interviewing candidates that will eventually turn them down. In addition to fairness, this is also about efficiency.⁵
- Salary ranges help employers including small businesses control their pay expenses and ensure pay equity among employees. It is critical that employers have rational explanations for why they pay their employees a certain rate, and defined salary ranges help accomplish that.⁶

¹ https://files.hawaii.gov/dbedt/economic/data_reports/DLIR/LFR_QCEW_ES2024FIRM.pdf

² <https://www.forbes.com/sites/josiecox/2024/03/20/pay-transparency-is-a-best-practice-in-corporate-america-study-finds/>

³ <https://www.shrm.org/topics-tools/news/all-things-work/pay-transparency-equity>

⁴ Emily Breza, Supreet Kaur & Yogita Shamdasanani 2016 "The Morale Effects of Pay Inequality," *NBER Working Papers*, National Bureau of Economic Research

⁵ Glassdoor, "Is Salary Transparency More Than a Trend", https://www.glassdoor.com/research/app/uploads/sites/2/2015/04/GD_Report_2.pdf

⁶ Society for Human Resource Management, "How to Establish Salary Range", <https://www.shrm.org/resourcesandtools/tools-and-samples/how-to-guides/pages/howtoestablishsalaryranges.aspx>

Please pass this measure so pay transparency, one of best employment practices, can be a reality for all employees in Hawai'i. Thank you for your consideration.

Sincerely,
Younghee Overly
AAUW of Hawai'i Public Policy Committee

The American Association of University Women (AAUW) of Hawai'i is an all-volunteer, statewide chapter of a national organization with close to 4000 members and supporters across all four counties - Hawai'i, Honolulu, Kaula'i, and Maui. AAUW has state chapters in all 50 states and our mission is to advance gender equity through education and advocacy. Economic security for women is our goal.

HB-2367

Submitted on: 2/17/2026 6:26:36 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hawai'i State Democratic Women's Caucus	Hawai'i State Democratic Women's Caucus	Support	Written Testimony Only

Comments:

Aloha Chair Sayama, Vice Chair Lee and members.

The Hawai'i Democratic Women's Caucus is in strong support of this bill which will remedy a defect in the current law exempting employers with less than 50 employees.

Turns out that the majority of businesses in the state have less the 50 employees, rendering the current law ineffective. This bill would require all employers to publish salary ranges for job openings - a simple and just solution with no cost to the employer.

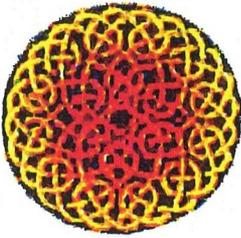
It's been 17 years since the passage of the Lilly Ledbetter Fair Pay Act. It's been two years since she sadly left this earth.

Given the ongoing attacks on civil rights in general and women in particular coming out of the toxic current presidency, this measure is necessary to protect our wahine from economic harm.

Honor the legacy of Lilly Ledbetter. Please pass this bill.

Me ke aloha pumehana

Ann S Freed, Co-Chair, Hawai'i Democratic Women's Caucus.



Fujiwara & Rosenbaum, LLC

1100 Alahea Street, FL 20, STE B

Honolulu, Hawaii 96813

House Committee on Labor

Date: Thursday, February 19, 2026, 9:30 AM, Rm. 309

Re: Fujiwara & Rosenbaum Testimony in **STRONG SUPPORT** of **HB 2367 Relating to EMPLOYMENT EARNINGS**

Dear Chair Sayama, Vice-Chair Lee, and Members of the Committee:

Fujiwara & Rosenbaum, LLC,ⁱ respectfully submits this testimony in strong support of H.B. No. 2367, which would require **all employers** (not just those with 50+ employees) in Hawai'i to disclose hourly rates or salary ranges in job listings.

The legal research reveals significant legislative and judicial confirmation that Hawai'i deliberately chose the one-employee threshold to provide broader protections than federal law: *Hawai'i's Constitutional Foundation, Statutory Definitions, Hawaii Supreme Court Confirmations, Deliberate Divergence from Federal Law, State Policy*.

We urge passage of H.B. No. 2367 because the current 50-employee exemption in HRS § 378-2.8 is fundamentally inconsistent with the definition of "employer" that governs every other protection in Chapter 378 and undermines Hawai'i's longstanding commitment to protecting all workers from discrimination regardless of employer size.

I. STATUTORY CONSISTENCY: HRS § 378-2.8 MUST ALIGN with HRS § 378-1

A. Chapter 378 Applies to All Employers with One or More Employees

HRS § 378-1 defines "employer" as "any person, including the State or any of its political subdivisions and any agent of such person, having one or more employees, but shall not include the United States." This definition applies throughout Part I of Chapter 378, which addresses discriminatory practices.

The Hawai'i Supreme Court has confirmed this legislative intent. In **Sam Teague, Ltd. v. Hawai'i Civil Rights Commission**, 89 Haw. 269, 971 P.2d 1104 (1999), the Court held that "based on the definition of 'employer' in this section, ***legislature intended all employers, regardless of size***, to be ***subject*** to the provisions of this chapter." This ruling involved an employer with only two people, the owner and one employee, yet the Court upheld application of Chapter 378's anti-discrimination requirements.

B. The 50-Employee Exemption Creates an Anomaly

The current 50-employee exemption in HRS § 378-2.8 is the only provision in Part I of Chapter 378 that carves out small employers from coverage. Every other anti-discrimination protection in Chapter 378 applies to all employers with one or more employees:

- The prohibition on discriminatory practices (HRS § 378-2) applies to all employers.
- The prohibition of nondisclosure agreements in sexual harassment or sexual assault cases (HRS § 378-2.2) applies to all employers.
- The equal pay protections (HRS § 378-2.3) apply to all employers.
- The salary history ban (HRS § 378-2.4) applies to all employers.
- The fair-chance hiring provisions (HRS § 378-2.5) apply to all employers.

H.B. No. 2367 would harmonize HRS § 378-2.8 with the rest of Chapter 378 by applying the same one-employee threshold that governs all other employment protections.

C. Equal Protection for All Workers

Hawai'i workers deserve consistent protection under our civil rights laws regardless of whether they work for a large corporation or a small business. **There is no principled reason** why an employee at a 10-person company should be denied access to pay transparency while an employee at a 50-person company receives this protection. **Wage discrimination harms workers equally regardless of their employer's size.**

The current exemption creates a two-tiered system that is **inconsistent with Hawai'i's constitutional** commitment to equal protection. **Article I, Section 5** of the Hawai'i Constitution prohibits discrimination "because of race, religion, sex or ancestry" **without any employer-size limitation**. The Legislature should extend this same universal protection to pay transparency.

II. LEGISLATIVE INTENT: HAWAI'I CHOSE BROADER PROTECTION THAN FEDERAL LAW

A. The One-Employee Threshold Was a *Deliberate Policy Choice*

The Hawai'i Legislature consciously chose to define "employer" more broadly than federal law. While Title VII of the Civil Rights Act of 1964 applies only to employers with 15 or more employees, Hawai'i's employment discrimination law has **always covered employers with one or more employees.**

The 1981 legislative history confirms this intent. According to H. Stand. Comm. Rep. No. 549 (1981 House Journal at 1166) and S. Stand. Comm. Rep. No. 1109 (1981 Senate Journal at 1363), the Legislature enacted Hawai'i's employment discrimination law "to provide victims of employment discrimination the same remedies, under state law, as those provided by Title VII," **while extending coverage to all employers regardless of size.**

B. Hawai'i Courts Have Recognized This Broader Scope

The Hawai'i Supreme Court has acknowledged that Hawai'i's approach differs from federal law by design. In **Lales v. Wholesale Motors Co.**, 133 Haw. 332, 328 P.3d 341, 373-374 (2014), Justice Acoba noted that "the legislature's purpose in defining 'employer' as including 'any person' with 'one or more employees' in a state context under HRS § 378-1" reflects a deliberate policy decision about the scope of the law.

Similarly, in **Furukawa v. Honolulu Zoological Society**, 85 Haw. 7, 936 P.2d 643, 649 (1997), *while discussing that Hawai'i's protections extend to all employers*, not just those that have 15 or more like Title VII, Chief Justice Robert Klein found that "federal employment discrimination authority is not necessarily persuasive, *particularly where a state's statutory provision differs in relevant detail.*" **This principle applies with equal force here:** Hawai'i's decision to protect workers at small employers reflects a policy judgment that **federal thresholds do not adequately serve Hawai'i's workers.**

C. Strong State Public Policy Against Discrimination

HRS § 368-1 declares that "the practice of discrimination because of race, color, religion, age, sex, including gender identity or expression, sexual orientation, marital status, national origin, ancestry, or disability in employment... is against public policy." **Pay transparency is a critical tool for identifying and eliminating discriminatory pay practices. Excluding small employers** from transparency requirements allows discriminatory pay practices to **continue hidden from view.**

III. PRACTICAL IMPACT: THE CURRENT INCONSISTENCY HARMS WORKERS

A. Small Business Employees Are Left Without Protection

The *majority of Hawai'i businesses have fewer than 50 employees*, yet their workers currently have no right to know the expected compensation for a position before applying. This information asymmetry disadvantages job seekers in negotiations and perpetuates pay inequities.

Workers at small employers are no less deserving of pay transparency than workers at large employers. In fact, *workers at small employers may be more vulnerable to discriminatory pay practices because smaller workplaces often have less formal HR processes and fewer internal checks on compensation decisions.*

B. Pay Transparency Advances Equal Pay

The Legislature recognized when enacting Act 203 (2023) that requiring pay disclosure in job advertisements "helps to increase pay transparency and equal pay for all employees." But by exempting small employers, the current law limits this benefit to only a subset of Hawai'i's workforce.

The equal pay protections in HRS § 378-2.3, enacted in the same Act 203 legislation as the pay transparency provision, contain no employer-size exemption. It is illogical to require all employers to pay employees equally for substantially similar work while allowing some employers to hide compensation information that would help workers identify pay disparities.

C. Consistency Reduces Confusion

The current inconsistency creates confusion for employers and workers alike. Employers must navigate different thresholds for different provisions within not only the same chapter of law, but the same section! Workers may not understand why some protections apply to them and others do not. H.B. No. 2367 would simplify compliance and create a uniform framework for employer obligations under Chapter 378.

IV. CONCLUSION

For nearly four decades, Fujiwara & Rosenbaum has advocated for the civil rights of Hawai'i's workers. We have seen firsthand how discriminatory pay practices harm workers and their families. Pay transparency is an essential tool for identifying and eliminating these practices.

H.B. No. 2367 would bring HRS § 378-2.8 into alignment with the rest of Chapter 378 and with Hawai'i's longstanding commitment to protecting all workers regardless of employer size. *The current 50-employee exemption is an anomaly that undermines our civil rights framework and leaves too many workers without protection.*

We urge the Committee to pass H.B. No. 2367. Thank you for this opportunity to testify.

Respectfully submitted,

/s/ Elizabeth Jubin Fujiwara

Senior Partner

Fujiwara & Rosenbaum, LLLC

ⁱ Our firm was established in 1986 and has spent nearly forty years advocating for the civil rights of workers throughout Hawai'i. We focus on employment discrimination of all forms, including race, sex, sexual harassment, pregnancy, disability, age, and national origin discrimination, as well as whistleblower protections. Our extensive experience litigating employment discrimination claims under HRS Chapter 378 provides us with a unique perspective on the importance of statutory consistency within Hawai'i's civil rights framework.



745 Fort St. Mall
17th Floor
Honolulu, HI 96815

808-521-9500
NFIB.com

February 18, 2026

TO: Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair
Members of the House Committee Labor

FR: Michael Iosua, State Director
NFIB, Hawaii Chapter

RE: **OPPOSITION** TO HB 2367 – RELATING TO EMPLOYMENT EARNINGS

Hearing date: February 19, 2026, at 9:30 AM

Aloha Chair Sayama, Vice Chair Lee and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NFIB's Hawaii Chapter in **OPPOSITION** to HB 2367 – RELATING TO EMPLOYMENT EARNINGS. NFIB is a nonprofit, nonpartisan, and member-driven organization exclusively dedicated to small and independent businesses. With members in all four counties, NFIB's Hawaii chapter advocates on issues that affect Hawaii's small and independent business owners.

HB 2367 would amend HRS § 378-2.8 by removing the current exemption for businesses with fewer than fifty employees from the disclosure of compensation in job listings. This exemption that exists in current law acknowledges the limited administrative capacity of small businesses and the disproportionate cost that compliance imposes on enterprises with constrained resources.

Small businesses in Hawaii already face significant operational challenges, including high costs of doing business, tariffs and tight labor markets. Unlike other employers, many small businesses do not have dedicated HR departments or legal staff to manage an ever-expanding set of employment law requirements. The added obligation to document and update wage and salary ranges for every job posting, coupled with the risk of enforcement actions for errors, represents a substantial administrative burden and potential liability for small businesses. What may appear to be a simple disclosure requirement necessitates the development and ongoing maintenance of formal compensation frameworks, systems for regular review of pay structures,

and additional staff time and professional services — all of which carry costs that directly impact small businesses.

These burdens translate into higher compliance costs, additional time away from core business functions, and increased exposure to enforcement penalties. Particularly in Hawaii's tight labor market, small businesses compete for talent without the economies of scale enjoyed by larger employers. Mandating detailed pay disclosures for employers that are not equipped to comply will discourage hiring and remove the opportunity to grow the business. Some small businesses may choose to reduce staffing, refrain from creating new positions, or in the worst cases, shut down entirely rather than navigate an expanded regulatory landscape.

The current exemption for employers with fewer than 50 employees is a sensible balance between promoting transparency and recognizing the capacity limitations of small enterprises. For these reasons, we respectfully urge the Committee to defer HB 2367 and help to protect small businesses.



February 18, 2026

Representative Jackson D. Sayama, Chair
Representative Mike Lee, Vice Chair
Committee on Labor

Re: H.B. 2367, Relating to Employment Earnings

Hearing: Thursday, February 19, 2026, 9:30 AM, Conference Room 309 & Videoconference

Dear Chair Sayama, Vice Chair Lee, and the Members of the Committee on Labor:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers submits testimony in support of H.B. 2367, which expands Hawaii's existing pay transparency framework by requiring employers to disclose salary ranges or hourly rates for full-time, part-time, temporary, and seasonal roles, and broadening pay range disclosure requirements to include employers with fewer than 50 employees. In 2023, the Legislature passed Act 203 SLH 2023 which required salary disclosure on job listings and exempted employers with fewer than 50 employees.

Pay transparency is a critical tool in addressing persistent wage disparities, which disproportionately impact women. According to the University of Hawaii Economic Research Organization, women in Hawaii earn 86 cents for every dollar earned by men.¹ Hawaii's gender pay gap persists across occupations and at every level of educational attainment.

Expanding the pay disclosure requirement would provide Hawaii workers with greater clarity and confidence about compensation. The National Women's Law Center found that pay transparency helps to reduce the gender pay gap by providing applicants with information to make more informed decisions about jobs and encouraging employers to proactively evaluate compensation practices.² Increasing pay transparency is a practical step toward advancing equal pay and greater economic security.

For the above reasons, we support H.B. 2367 and respectfully request that the Committee pass this measure. Thank you for the opportunity to testify in support of this measure.

¹ RACHEL INAFUKU, UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION, EXPLORING THE GENDER PAY GAP IN HAWAII`I 1 (2024), <https://uhero.hawaii.edu/wp-content/uploads/2024/05/ExploringGenderPayGapInHawaii.pdf>.

² NATIONAL WOMEN'S LAW CENTER, PAY RANGE TRANSPARENCY IS CRITICAL FOR DRIVING PAY EQUITY (2024), <https://nwlc.org/wp-content/uploads/2024/03/Pay-Range-Transparency-2024v2.pdf>



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON LABOR
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309
THURSDAY, FEBRUARY 19, 2026 AT 9:30 A.M.**

To The Honorable Representative Jackson D. Sayama, Chair
The Honorable Representative Mike Lee, Vice Chair
Members of the Committee on Labor

OPPOSE HB2367 RELATING TO EMPLOYMENT EARNINGS

The Maui Chamber of Commerce opposes SB1057 that requires job listings to include an hourly rate or salary range. While we understand the intent of this bill, we are concerned that it will have unintended negative consequences.

In hiring, businesses often need flexibility in pay ranges so they can negotiate compensation packages and make adjustments based on skill level and previous experience, neither of which you have prior to posting the job.

Additionally, it may reduce the number of job seekers an employer could receive as pay ranges alone do not account for benefits, job perks, and company culture, as well as hinder job seekers applying for positions that may provide valuable experience and opportunities for promotion and advancement.

Given workforce shortages and changing worker priorities, we already see many employers posting their pay and salary ranges up front and prior to scheduling interviews, but understand why others do not.

Mahalo for the opportunity to provide testimony on HB2367.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice
HB2360 HD1 – Relating To Paid Family Leave
House Committee on Labor
Thursday, February 19, 2026, at 9:30 AM, Conference Room 309 & Videoconference

Dear Chair Sayama, Vice Chair Lee, and Members of the Committee,

Thank you for the opportunity to present testimony in strong support of HB2367. This bill closes a critical gap in our pay transparency law by requiring all employers—regardless of size—to disclose salary ranges in job listings. It is a data-driven, structural reform that addresses entrenched wage disparities and advances economic justice for Hawai'i's workers and families.

The Wage Gap in Hawai'i: Stubborn and Costly

Despite progress in recent decades, significant wage disparities persist in Hawai'i. According to the U.S. Bureau of Labor Statistics, Hawai'i women had median usual weekly earnings of \$797 in 2018, or just 82.6 percent of the \$965 median earnings of their male counterparts.¹ In 2023, the Bureau of Labor Statistics reported women in Hawai'i earned 82.4 percent of what men earned (\$902 vs. \$1,095).² For 2024, updated estimates place the ratio at approximately 87 percent (\$987 for women vs. \$1,138 for men).³

This is not simply a plateau; it is a backslide. Hawai'i women's earnings relative to men peaked at 92.8 percent in 2014 and have since fallen by more than five percentage points.⁴ Whatever progress we thought we were making is anything but consistent, and wage opacity is a significant part of the problem.

The Human and Economic Costs Are Staggering

These disparities are not abstract numbers; they represent real dollars stolen from families who can least afford to lose them. Our analysis of what equal pay would mean for Hawai'i's working women reveals profound impacts:

- **Poverty reduction:** If women earned the same pay as comparable men, the poverty rate among working women in Hawai'i would decrease by more than half—from 5.4

¹ "Highlights of women's earnings in 2018," U.S. Bureau of Labor Statistics, November 2019, <https://www.bls.gov/opub/reports/womens-earnings/2018/home.htm>

² Bureau of Labor Statistics, "Women's Earnings in Hawaii — 2023," October 17, 2024. [https://www.bls.gov/regions/west/news-release/womensearnings_hawaii.htm#:~:text=In%202023%2C%20Hawaii%20women%20who,chart%201%20and%20table%201.\)](https://www.bls.gov/regions/west/news-release/womensearnings_hawaii.htm#:~:text=In%202023%2C%20Hawaii%20women%20who,chart%201%20and%20table%201.))

³ USA Facts, "What is the current gender pay gap in Hawaii?" Retrieved February 18, 2026. <https://usafacts.org/answers/what-is-the-gender-pay-gap-in-the-us/state/hawaii/>

⁴ "Highlights of women's earnings in 2014," U.S. Bureau of Labor Statistics, November 2015, <https://www.bls.gov/opub/reports/womens-earnings/archive/highlights-of-womens-earnings-in-2014.pdf>

percent to just 2.5 percent.⁵

- **Single mothers:** The poverty rate for families headed by working single mothers would drop by close to half, from 21.3 percent to 10.7 percent.⁶
- **Working mothers:** More than 61 percent of working mothers would see increased earnings.⁷
- **Children:** The poverty rate among children of working mothers would fall by more than half, from 10.9 percent to 4.5 percent.⁸

These are not marginal improvements. They are transformative changes that would lift thousands of Hawai'i families out of poverty, reduce reliance on public assistance, and strengthen the economic security of communities across the state.

Why Transparency Matters

Pay transparency is a proven mechanism for addressing wage disparities. When compensation is hidden, disparities can persist unnoticed and unchallenged. Workers negotiating in the dark cannot know whether they are being offered fair wages. Women and people of color, who have historically been disadvantaged in wage negotiations, are disproportionately harmed by this information asymmetry.

HB2367 addresses this by requiring all employers to disclose salary ranges in job listings. This simple requirement:

- Empowers workers with information they need to negotiate from a position of knowledge.
- Exposes disparities that might otherwise remain hidden.
- Creates accountability for employers to justify their compensation practices.
- Accelerates progress toward closing wage gaps.

Closing the Exemption Gap

Current law exempts employers with fewer than 50 employees from salary range disclosure requirements. This exemption is not justified by evidence or equity. Small businesses employ a significant portion of Hawai'i's workforce, and workers in those jobs deserve the same access to information as workers at large corporations. Wage disparities are not confined to large employers, and neither should transparency requirements be.

HB2367 removes this exemption, ensuring that every job seeker in Hawai'i—regardless of where they apply—can see compensation upfront.

A Modest, Evidence-Based Intervention

⁵ "The Economic Impact of Equal Pay by State," Institute for Women's Policy Research, February 2015, <https://statusofwomendata.org/wp-content/uploads/2015/02/C457.pdf>

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

This bill imposes no burdensome new obligations. It simply requires that information employers already possess—the salary range they are willing to pay for a position—be shared with job applicants. Other states with similar requirements have seen smooth implementation and broad compliance. The evidence from those states shows that transparency laws narrow wage gaps, improve worker mobility, and strengthen labor market function.

Conclusion

The wage gap in Hawai'i is not inevitable. It is the result of policies and practices—including wage secrecy—that allow disparities to persist. HB2367 addresses one of the root causes of that gap and takes a meaningful step toward a fairer economy.

When women earn equal pay, poverty falls. When single mothers can support their families, children thrive. When workers have information, they have power. And when transparency is the rule, disparities are harder to hide.

We urge this committee to pass HB2367 and extend the promise of pay transparency to every worker in Hawai'i.

Mahalo for the opportunity to testify.

HB-2367

Submitted on: 2/17/2026 11:24:27 AM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha as a member of the AAUW (American Association of University Women) I respectfully request you to support this bill.

Mahalo

Eizabeth Hansen, Hakalau HI 96710

COMMITTEE ON LABOR
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

HEARING:

Thursday, February 19, 2026 at 9:30 AM
VIA VIDEOCONFERENCE
Conference Room 309
State Capitol
415 South Beretania Street

TESTIMONY IN SUPPORT OF HB 2367, RELATING TO EMPLOYMENT EARNINGS.

Aloha Chair Sayama, Vice Chair Lee, and Members of the Committee,

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I write to you today in **strong support of HB 2367**, Relating to Employment Earnings, which requires hourly rate or salary ranges to be disclosed on job listings for full-time, part-time, temporary, or seasonal employees, and removes the exemption for employers having fewer than fifty employees.

I worked on gender equity in STEM as a workforce development for many years, and wrote over ten peer-reviewed papers on best practices in the field. I also owned a small business on Maui for over 23 years and understand that the outcomes intended by HB 2367 place no burden on employers, while benefiting employees and improving pay equity.

The goal of this bill is to establish Hawaii as a leader in the field of pay equity, as Hawaii has led the way in civil rights. The gender pay gap persists despite progress made in women's labor participation. Women working full-time in Hawai'i earned 87.54% of what men earned in 2023¹ and gender pay gap is present in 74% of jobs in Hawai'i². Hawai'i is considered as a state with moderate equal pay protection³. California, Colorado, Illinois, Maryland, Massachusetts, New Jersey, New York, Oregon, and Washington are considered as states with strong equal pay protection. While passage of Act 203 in 2023 was a big step towards ensuring pay equity, this bill would increase pay transparency for all employers and provide a strong equal pay protection with a minimal cost or disruption to employers.

While Act 203 of 2023 requires employers with fifty or more employees to make wage range information available in job listings to encourage pay equity, HB 2367 builds upon this to require all employers to make wage range information available in job listings.

Please consider the following research in support of this measure:

- Pay transparency has become a best practice according to a study by Payscale⁴
- Pay transparency required by Act 203 of 2023 doesn't help one-third of the workforce who work for businesses with 49 or fewer employees, according to DBEDT⁵
 - 20% of workforce work for businesses with 19 or fewer employees

¹ <https://www.aauw.org/resources/article/gender-pay-gap-by-state/>

² <https://manoa.hawaii.edu/news/article.php?aId=13272>

³ https://www.aauw.org/app/uploads/2020/10/SimpleTruth_States_2020update.pdf

⁴ <https://www.forbes.com/sites/josiecox/2024/03/20/pay-transparency-is-a-best-practice-in-corporate-america-study-finds/>

⁵ https://files.hawaii.gov/dbedt/economic/data_reports/DLIR/LFR_QCEW_ES2024FIRM.pdf

- 82% of U.S. workers are more likely to consider applying for a job if pay range is included in the job posting according to a study by Society of Human Resource Management⁶
- Research shows that workers stay longer and are more productive, when working for companies which treat them with dignity. A recent Harvard-Berkeley study showed that pay inequality decreased worker attendance, cooperation, and output.⁷
- Being up front about wages saves businesses time so that they are not interviewing candidates that will eventually turn them down. In addition to fairness, this is also about efficiency.⁸
- Salary ranges help employers control their pay expenses and ensure pay equity among employees. It is critical that employers have rational explanations for why they pay their employees a certain rate, and defined salary ranges help accomplish that.⁹
- Gender pay gap penalizes all households in Hawaii, since many households rely on the paychecks of more than one household member. Gender pay gap penalizes children excessively, because many children reside in female-headed households. If the \$11,067 annual gender pay gap is eliminated, a working woman in Hawaii would have enough money to purchase 6 months of rent, 10 months of healthcare premium, and 9.6 months of child care¹⁰.

Based upon my experience promoting best practices in equity and as a small business owner for over 23 years, I ask that you **vote in support of HB 2367**. Thank you for holding a hearing on this important measure.

Christine L. Andrews, J.D.
Wailuku, Maui

⁶ <https://www.shrm.org/topics-tools/news/all-things-work/pay-transparency-equity>

⁷ Emily Breza, Supreet Kaur & Yogita Shamdasanani 2016 "The Morale Effects of Pay Inequality," *NBER Working Papers*, National Bureau of Economic Research

⁸ Glassdoor, "Is Salary Transparency More Than a Trend", https://www.glassdoor.com/research/app/uploads/sites/2/2015/04/GD_Report_2.pdf

⁹ Society for Human Resource Management, "How to Establish Salary Range", <https://www.shrm.org/resourcesandtools/tools-and-samples/how-to-guides/pages/howtoestablishsalaryranges.aspx>

¹⁰ <https://nationalpartnership.org/report/wage-gap/>

HB-2367

Submitted on: 2/17/2026 11:52:53 AM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amy Monk	Individual	Support	Written Testimony Only

Comments:

Testimony In support of HB2367 – Relating to Employment Earnings.

I support pay transparency. Pay transparency is the law, but only applies to large employers. Transparency works for all job applicants and should apply to businesses of all sizes.

HB-2367

Submitted on: 2/17/2026 12:18:17 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

I support this bill. Thank you, Martha Nakajima, Honolulu, member of Indivisible

HB-2367

Submitted on: 2/17/2026 3:11:26 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Eileen M Gawrys	Individual	Support	Written Testimony Only

Comments:

Pay transparency is good for all employees and employers regardless of the size of the business. At my first job as a nurse at Straub, in the 80's, the other nurses salaries was never disclosed to me. Very hush hush. Very disconcerting. Luckily the Union helped eliminated disparities but not all have the luxury of belonging to a Union.

HB-2367

Submitted on: 2/17/2026 4:57:48 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sandy Ma	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair and Members of the House Labor Committee,

I am a member of AAUW of Hawai‘i and I am testifying in support of HB 2367, which would (1) require hourly rate or salary ranges to be disclosed on job listings for full-time, part-time, temporary, or seasonal employees and (2) remove the exemption for employers having fewer than fifty employees.

HB 2367 is necessary to eliminate the wage gap in Hawai‘i. Despite, in 2023, Act 203 being passed requiring employers with fifty or more employees to make wage range information available in job listings, the gender pay gap is still present in 74% of jobs in Hawai‘i. See <https://manoa.hawaii.edu/news/article.php?aId=13272> (retrieved Feb. 17, 2026).

The pay transparency requirement of Act 203 (2023) does not reach one-third of the workforce, who work for businesses with 49 or fewer employees. See https://files.hawaii.gov/dbedt/economic/data_reports/DLIR/LFR_QCEW_ES2024FIRM.pdf (retrieved Feb. 17, 2026).

Thus, it is clear that HB 2367 is necessary to close to gender pay gap and support a more equitable society.

Thank you for hearing HB 2367 and I respectfully ask you to pass this measure out of your committee unamended.

Sandy Ma

HB-2367

Submitted on: 2/17/2026 9:44:47 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cristina Holt	Individual	Support	Written Testimony Only

Comments:

Chair Sayama, Vice Chair Lee, and Members of the Committee,

I am submitting testimony in support of HB 2367.

I am a small business owner in Hilo, and I have run several businesses over the years. Every time I have hired someone, I have been upfront about what the job pays from the very first conversation. Not because the law required it, but because it is the right thing to do.

When someone shows up to work for you, they are spending minutes and hours of their one precious life helping you build your dream. That is an extraordinary gift. The very least you owe them in return is to be completely honest about what that time is worth to you before they ever walk through the door. Fully informed consent is the bare minimum.

It is also worth saying: placing the burden on job seekers to play a guessing game about pay, while employers hold all the information, is a race to the bottom that benefits no one except employers who want to lowball people. That is not a market working well. That is a power imbalance being exploited, and the people on the losing end are the ones who can least afford it.

So I do not buy the argument that requiring small employers to disclose pay is too burdensome. If you know what the job pays, just say so.

The current law already requires salary transparency on job listings but carves out an exception for employers with fewer than fifty employees. In Hawaii, that exception covers most of the actual jobs people are applying for, especially in communities like Hilo. HB 2367 closes that loophole and levels the playing field for job seekers across the board.

I urge the committee to pass HB 2367.

Mahalo for your time and consideration.

HB-2367

Submitted on: 2/18/2026 12:12:23 AM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

Pay transparency is good for all employees and employers regardless of the size of the business. I strongly support HB 2367 because:

- Pay transparency has become a best practice according to a study by Payscale
- 82% of U.S. workers are more likely to consider applying for a job if pay range is included in the job posting according to a study by Society of Human Resource Management
- Research shows that workers stay longer and are more productive, when working for companies which treat them with dignity. A recent Harvard-Berkeley study showed that pay inequality decreased worker attendance, cooperation, and output.
- Being up front about wages saves businesses time so that they are not interviewing candidates that will eventually turn them down. In addition to fairness, this is also about efficiency.
- Salary ranges help employers control their pay expenses and ensure pay equity among employees. It is critical that employers have rational explanations for why they pay their employees a certain rate, and defined salary ranges help accomplish that.
- Gender pay gap penalizes all households in Hawaii, since many households rely on the paychecks of more than one household member. Gender pay gap penalizes children excessively, because many children reside in female-headed households. If the \$11,067 annual gender pay gap is eliminated, a working woman in Hawaii would have enough money to purchase 6 months of rent, 10 months of healthcare premium, and 9.6 months of child care.
- Mahalo for supporting HB 2367.

HB-2367

Submitted on: 2/18/2026 6:08:50 AM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cat Orlans	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Catherine Orlans and I am a working mother residing in Honolulu. I am writing to express my strong support for Bill 2367 which mandates pay range transparency on job descriptions in Hawaii. Please note: the views expressed in this testimony are my own personal opinions and do not reflect the views or positions of my employer.

Hawaii consistently ranks as the state with the highest cost of living, yet our market value often lags behind the markets on the continent. As a mother to a child with autism, this "paradise tax" isn't just a statistic—it's a daily calculation.

Raising a child with special needs involves:

- **Essential Therapies:** Balancing co-pays for ABA, speech, and occupational therapy.
- **Logistical Precision:** Managing a schedule that requires every hour of my work day to be financially justifiable.
- **The Survival Gap:** We cannot afford to "wait and see" what a salary looks like. We need to know if a role can sustain our family's medical and housing needs before we hit "Apply."

Transparency During Organizational "Flattening":
Beyond new hires, this bill is critical for internal equity. Many Hawaii companies are currently undergoing reorganizations or "flattening" structures. During these transitions, internal employees are often left in the dark about where they stand, even while the company posts public Job Descriptions (JDs) for external talent that include the very pay ranges denied to current staff.

I strongly recommend that this bill require transparency for all JDs, including internal-only postings during reorganizations.

- **Internal Fairness:** Employees should not have to search public boards to find the market value of their own evolving roles.
- **Informed Decisions:** Transparency ensures that when an organization flattens, the "decision" to stay or move is based on data, not guesswork.

For a working mom, time is my most limited resource. Spending hours interviewing for a position that ends up paying less than my "break-even" point is more than a disappointment—it is time stolen from my child's care.

Pay transparency protects caregivers and women, who are statistically more likely to be underpaid, from entering negotiations at a disadvantage. It ensures that Hawaii's market is honest about whether its wages truly support the families who keep these islands running.

I urge you to pass this bill and include provisions for internal transparency. Mahalo for your time and for supporting the working families of Hawaii.

Sincerely,
Catherine Orlans

HB-2367

Submitted on: 2/18/2026 11:00:47 AM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am testifying in strong support of HB2367, which requires all employers—regardless of size—to disclose hourly rates or salary ranges in job listings for full-time, part-time, temporary, or seasonal positions. This bill closes a critical gap in our current pay transparency law and takes a meaningful step toward a fairer, more equitable labor market in Hawai‘i.

Why Pay Transparency Matters

In Hawai‘i's economy, small differences in pay can mean the difference between stability and precarity. A few thousand dollars more or less per year determines whether a family can afford rent, cover child care, or save for emergencies. Yet too many workers are forced to negotiate for wages without basic information about what a job actually pays.

This information asymmetry is not neutral. It concentrates leverage with employers and forces workers to bargain in the dark. When you do not know the salary range for a position, you cannot know whether an offer is fair. You cannot compare opportunities across employers. You cannot advocate for yourself effectively. And you are far more likely to accept less than you are worth—simply because you lack the information to know otherwise.

The Current Exemption Leaves Workers Behind

Under current law, employers with fewer than 50 employees are exempt from salary range disclosure requirements. This exemption is not minor; it excludes a significant portion of Hawai‘i's workforce from the protections of pay transparency. Small businesses are not inherently fairer than large ones, and workers in small enterprises deserve the same access to information as workers at large corporations.

HB2367 removes this exemption and ensures that **every** job seeker in Hawai‘i—regardless of where they apply—can see compensation upfront.

Transparency Is Structural Reform

Pay transparency is not a minor administrative change; it is structural reform that reshapes power dynamics in the labor market. When workers can see compensation upfront:

- They can compare offers across employers and make informed decisions.
- They can negotiate from a position of knowledge, not guesswork.
- They can avoid exploitative arrangements that undermine family stability.
- They can identify disparities and advocate for fair treatment.

This matters for everyone, but it matters most for groups that have historically been disadvantaged in wage negotiations. Women, people of color, and low-wage workers are disproportionately harmed by wage opacity. Pay secrecy allows disparities to persist unchecked. Transparency exposes them to light and creates accountability.

What the Research Shows

Studies of pay transparency laws in other states have demonstrated clear benefits:

- **Narrowing wage gaps:** Transparency reduces pay disparities by gender and race, as hidden inequities become visible and actionable.
- **Increasing worker mobility:** When workers can see what jobs pay, they can identify better opportunities and move to higher-paying positions.
- **Improving negotiation outcomes:** Workers with salary information negotiate more effectively and secure better compensation.
- **Reducing information asymmetry:** The balance of power in hiring shifts slightly toward workers, creating a more functional labor market.

A Modest, Common-Sense Requirement

HB2367 imposes no burdensome new obligations on employers. It simply requires that information employers already have—the range they are willing to pay for a position—be shared with job applicants. This is information workers need to make basic decisions about their lives and livelihoods.

The bill covers all employment types: full-time, part-time, temporary, and seasonal. Every worker deserves to know what a job pays before they invest time in applying, interviewing, and negotiating.

Opposition Arguments Do Not Withstand Scrutiny

Some may argue that salary ranges limit flexibility or that small businesses cannot comply. These concerns are overstated. Salary ranges can be broad enough to accommodate experience and qualifications. And if an employer genuinely does not know what they will pay, that itself is a problem—one that transparency would help resolve.

Other states with similar requirements have seen smooth implementation and broad compliance. Hawai‘i can and should follow their lead.

Conclusion

HB2367 is a straightforward, evidence-based reform that strengthens Hawai'i's labor market and supports working families. It removes an arbitrary exemption, ensures all workers have access to basic compensation information, and moves us toward a system where economic opportunity is shaped by clarity and accountability, not secrecy and guesswork.

When workers can see what jobs pay, they can make better decisions for themselves and their families. When wages are transparent, disparities are harder to hide. When information is shared, power is shared.

I urge this committee to pass HB2367 and extend pay transparency to every worker in Hawai'i.

Mahalo for the opportunity to testify.

HB-2367

Submitted on: 2/18/2026 12:05:18 PM

Testimony for LAB on 2/19/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia A Armstrong	Individual	Support	Written Testimony Only

Comments:

Thank you