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DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKUĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 2, 2026

To: The Honorable Brandon J.C. Elefante, Chair,
The Honorable Rachele Lamosao, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Monday, February 2, 2026
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol

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

Re: S.B. 2389 RELATING TO WAREHOUSE WORKERS

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR offers comments** on this measure. SB2389 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. This measure protects employees from retaliation, discrimination, or adverse action for exercising any rights conferred in this measure. 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 §387-6(a) 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.

§390-2(c)(3), 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.

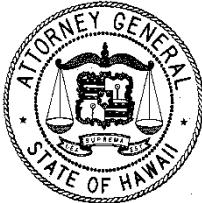
Chapter 387, HRS, Wage and Hour Law, requires employers to compensate all covered employees at least the statutory minimum wage under §387-2.

The DLIR believes this measure would be very difficult to enforce because the recordkeeping requirements contained in this measure conflict with the requirements of the Wage and Hour Law. Employers are already required to maintain time records of hours worked under §387-6. This measure requires employers to keep additional records of meal, rest, and bathroom breaks taken, to ensure those paid break 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.

The Department is in the process of ascertaining staffing needs required to enforce this measure.

This measure provides both the Department and the Attorney General with enforcement powers, but does not specify a remedy, including penalties for violations, and whether the department would enforce the law administratively or through court.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:
S.B. NO. 2389, RELATING TO WAREHOUSE WORKERS.

BEFORE THE:
SENATE COMMITTEE ON LABOR AND TECHNOLOGY

DATE: Monday, February 2, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Matthew Anbe, Deputy Attorney General, or Raquelle A. Pendleton,
Deputy Attorney General

Chair Elefante and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill establishes the Warehouse Worker Protection Act to: (1) require certain warehouse employers to provide employees with written descriptions of productivity quotas and to maintain records of quotas and employee work speed data; (2) prohibit the use of quotas that would prevent compliance with meal or rest periods or the use of bathroom facilities; (3) allow warehouse employees to request written descriptions of applicable quotas and their work speed data; (4) prohibit employers from discharging, retaliating, discriminating, or taking adverse action against any person for exercising any rights under the Act; and (5) require the Director of Labor and Industrial Relations to adopt rules to implement the Act.

The bill establishes a new chapter in the Hawaii Revised Statutes (HRS), and section 10 of that new chapter (page 12, lines 8-13) authorizes the Attorney General, either upon the attorney general's own complaint or the complaint of any person acting for themselves or the general public, to prosecute actions, either civil or criminal, for violations of the chapter. We recommend that section 10 be deleted. Pursuant to sections 28-1, 28-2, and 28-2.5, the Attorney General is already broadly authorized to conduct criminal and civil investigations into alleged violations of state law, and to criminally prosecute, or file civil complaints against, violators of state law. This would be

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Thirty-Third Legislature, 2026

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the case, as well, with respect to the new chapter. Section 10 may have the unintended effect of actually limiting the Attorney General's authority to enforce the Warehouse Worker Protection Act, should this bill pass. To avoid any confusion, we recommend deleting section 10.

We respectfully ask the Committee to consider the recommended amendment.

Thank you for the opportunity to testify.

INTERNATIONAL LONGSHORE & WAREHOUSE UNION



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The Thirty-Third Legislature
Regular Session of 2026

LATE

THE SENATE

Committee on Labor and Technology
Senator Brandon J.C. Elefante, Chair
Senator Rochelle Lamosao, Vice Chair
Hawaii State Capitol
Conference Room 225 & Videoconference
February 2, 2026

TESTIMONY OF THE ILWU INTERNATIONAL – HAWAII **IN SUPPORT OF SB2389** **RELATING TO WAREHOUSE WORKERS**

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

My name is Brandon Wolff, International Vice President for Hawai‘i of the International Longshore and Warehouse Union (ILWU). I submit this testimony in strong support of SB2389.

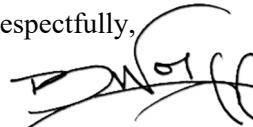
The ILWU was founded in Hawai‘i’s plantation fields and on our docks, where unsafe working conditions were common and workers were often treated as replaceable equipment rather than as human beings. It was only through collective action and strong workplace protections that safer working environments became the standard for Hawai‘i’s working families.

Today, technology has transformed logistics and warehousing, but it has also introduced new challenges. Employers now rely on algorithm-driven productivity systems that track workers by the second and enforce quotas. These systems can pressure workers to rush, skip breaks, delay bathroom use, and work through pain simply to meet those quotas.

SB2389 does not prohibit the use of quotas. It simply requires that, when quotas are used, they are transparent, lawful, and safe. Workers should know what is expected of them, be able to take required meal and rest breaks, have access to their own performance data, and be protected from retaliation when they raise concerns.

In the 21st century, technology should be used to make work safer and more efficient, not to place workers at greater risk of injury. SB2389 moves Hawai‘i in that direction and provides reasonable, practical protections for warehouse workers. For these reasons, the ILWU supports SB2389.

Respectfully,


Brandon Wolff
Vice President
ILWU International - Hawaii