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

February 10, 2026

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

Date: Tuesday, February 10, 2026  
Time: 9:30 a.m.  
Place: Conference Room 309, State Capitol

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

**Re: H.B. 1791 RELATING TO WAREHOUSE WORKERS**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The **DLIR offers comments** on this measure. HB1791 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 HOUSE 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, HRS.

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**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1791, RELATING TO WAREHOUSE WORKERS.

**BEFORE THE:**

HOUSE COMMITTEE ON LABOR

**DATE:** Tuesday, February 10, 2026      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 309

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

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Chair Sayama 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

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.