

REQUEST FOR LEGAL SERVICES

Date: April 15, 2019
From: Keani Rawlins-Fernandez, Chair
Economic Development and Budget Committee

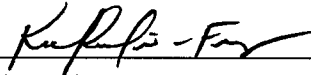
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: Equal Pay Resolution (EDB-1)(CC-8)

Background Data: Please review and, if appropriate, approve as to form and legality. A hard copy of the proposed resolution is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Keani Rawlins-Fernandez	Contact Person Leslee Matthews (Telephone Extension: 7662)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): April 16, 2019, 10 a.m.
REASON: Setting notice on April 16, 2019

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

edb:2020bgt:190412acc01:ldm

Attachment

Resolution

No. _____

URGING PUBLIC-EMPLOYEE UNIONS AND PUBLIC EMPLOYERS THROUGHOUT THE STATE OF HAWAII TO IMPLEMENT THE PRINCIPLE OF PAY EQUITY

WHEREAS, the Council has long recognized there is gender-based pay inequity in society at large and in government specifically; and

WHEREAS, Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) prohibits discrimination in compensation for equal work on the basis of sex; and

WHEREAS, Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) prohibits discrimination in compensation because of race, color, religion, national origin, or sex; and

WHEREAS, the wage gap collectively costs women employed full-time in the United States more than \$840,000,000,000 in annual lost wages, meaning families have less money to spend on goods and services that help drive economic growth; and

WHEREAS, on March 25, 2014, the Council adopted Resolution 14-36, entitled "RECOGNIZING APRIL 8 2014 AS EQUAL PAY DAY IN MAUI COUNTY," which stated that "clerical staff employed by the County are predominantly women, laborers employed by the County are predominantly men, and the starting pay for clerk and clerical positions is less than the starting pay for laborer positions"; and

WHEREAS, at the Council meeting, then-Councilmember Michael P. Victorino addressed women in the gallery who had testified in support of the resolution and said, "We are going to say that we do recognize your value and that you do deserve equal pay;" and

WHEREAS, on December 22, 2015, then-Budget Director Sandy Baz transmitted to the Council a bill to increase the starting salaries of County employees in Bargaining Unit 03, predominantly composed of women, to be closer to the starting salaries of County employees in majority-men Bargaining Unit 01; and

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WHEREAS, on July 15, 2016, the Council rejected the bill by filing the Budget Director's correspondence; and

WHEREAS, Budget and Finance Committee Report 16-107, which recommended the filing, stated:

Your Committee noted the Mayor created a Clerk Repricing Committee three years ago comprised of clerks, secretaries, and administrative staff from various County departments to address the issue of equal pay for equal worth.

Your Committee noted the County's clerical positions are predominantly held by females and laborer positions are predominantly held by males. A minimum two years of clerical experience is needed for an entry-level clerk, yet the annual starting wage for a clerk is approximately \$15,500 below that of an entry-level laborer requiring no previous experience.

...

Your Committee further noted salary discussions should be made at the bargaining table, in light of Bargaining Unit 03 being a large unit encompassing white collar, non-supervisory positions, including clerical, secretarial, and administrative positions from the counties and the State.

... Furthermore, the equal pay issue is a statewide matter, and is not limited to Maui County; and

WHEREAS, on October 25, 2018, Mr. Baz again submitted to the Council a bill to address the disparity in starting pay between Bargaining Units 01 and 03; and

WHEREAS, the Council did not schedule the new bill before the expiration of the 2017-2019 term; and

WHEREAS, all future collective-bargaining agreements applicable to local and State government employees in Hawai'i should reflect the principle of pay equity; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges public-employee unions and public employers throughout the State of Hawai'i to execute

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collective-bargaining agreements that reflect the principle of pay equity; and

2. That certified copies of this resolution be transmitted to the Honorable David Y. Ige, Governor, State of Hawai'i; the Honorable Michael P. Victorino, Mayor, County of Maui; the Honorable Kirk Caldwell, Mayor, City and County of Honolulu; the Honorable Harry Kim, Mayor, County of Hawai'i; the Honorable Derek Kawakami; Liz Ho, AFSD, American Federation of State, County, and Municipal Employees; Randy Ferreira, Executive Director, Hawai'i Government Employees Association; Michele Mitra, Maui Division Chief, Hawai'i Government Employees Association; the Honorable Valerie T. Poindexter, President, Hawai'i State Association of Counties; Leslie Wilkins, Chair, Hawai'i State Commission on the Status of Women, State of Hawai'i; Khara Jabola-Carolus, Executive Director, Hawai'i State Commission on the Status of Women; and Kate Griffiths, Chair, Commission on the Status of Women, County of Maui.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui

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