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# A BILL FOR AN ACT

RELATING TO WAGES.

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

1           SECTION 1. Wage theft, which consists of pay-related  
2 violations committed by employers, such as the failure to pay  
3 wage earners the required minimum wages or overtime, impacts  
4 employees throughout the United States. Many states are  
5 addressing this issue by creating laws to better protect wage  
6 earners' rights. New York, for example, recently passed its  
7 Wage Theft Prevention Act, which amended that state's notice of  
8 wage rate requirements and expanded criminal and civil remedies  
9 for violations.

10           The legislature finds that Hawaii is one of several states  
11 that have agreed to work with the United States Department of  
12 Labor to share information in an effort to deal with the wage  
13 theft problem.

14           The purpose of this Act is to protect employees in this  
15 State by requiring employers to provide employees with specific  
16 wage information on pay statements.

17           SECTION 2. Section 387-6, Hawaii Revised Statutes, is  
18 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) Every employer shall keep in or about the premises  
3 wherein any employee is employed a contemporaneous, true, and  
4 accurate record of [~~the~~]:

5 (1) The name, address, and occupation of each [~~such~~]  
6 employee[~~, of the~~];

7 (2) The amount paid each pay period to each [~~such~~]  
8 employee[~~, of the~~];

9 (3) The hours worked each day and each workweek by each  
10 [~~such~~] employee[~~;~~];

11 (4) The rate or rates of pay of each employee and basis  
12 thereof, whether paid by the hour, shift, day, week,  
13 salary, piece, commission, or other basis; gross  
14 wages; deductions; allowances, if any, claimed as part  
15 of the minimum wage; and net wages; and [~~of such~~]

16 (5) Any other information and for [~~such~~] the periods of  
17 time as the director [~~of labor and industrial~~  
18 ~~relations~~] may by [~~regulation~~] rule prescribe.

19 The director or the director's authorized representative  
20 shall for the purpose of examination have access to and the  
21 right to copy from [~~such~~] the records. Every employer shall  
22 furnish to the director or the director's authorized



1 representative [~~such~~] any information relating to the employment  
2 of workers and in [~~such~~] any manner as the director may  
3 prescribe."

4 2. By amending subsection (c) to read:

5 "(c) Every employer shall furnish each employee at every  
6 pay period a legible printed, typewritten, or handwritten  
7 [~~notice~~] record showing the [~~employee's~~] following:

8 (1) The name of the employee;

9 (2) The name of the employer;

10 (3) The address and telephone number of the employer;

11 [~~+1~~] (4) [~~Total~~] The employee's total hours worked;

12 [~~+2~~] (5) [~~Overtime~~] The employee's regular and overtime  
13 hours;

14 [~~+3~~] (6) [~~Straight-time~~] The employee's straight-time  
15 compensation;

16 [~~+4~~] (7) [~~Overtime~~] The employee's overtime compensation;

17 [~~+5~~] (8) [~~Other~~] Any other compensation~~+~~, including  
18 allowances, if any, claimed as part of the minimum  
19 wage;

20 [~~+6~~] (9) [~~Total~~] The employee's total gross compensation;

21 [~~+7~~] (10) [~~Amount~~] The amount and purpose of each  
22 deduction;



1        ~~[(8)]~~ (11) ~~[Total]~~ The employee's total net compensation;  
2        ~~[(9)]~~ (12) ~~[Date]~~ The date of payment; [and]  
3        ~~[(10)]~~ (13) ~~[Pay]~~ The pay period covered; and  
4        (14) The rate or rates of pay and basis thereof, whether  
5        paid by the hour, shift, day, week, salary, piece,  
6        commission, or other basis, including overtime rate or  
7        rates of pay. For employees paid a piece rate, the  
8        record shall indicate the applicable piece rate or  
9        rates of pay and the number of pieces completed at  
10       each piece rate;  
11       provided that in lieu of the printed, typewritten, or  
12       handwritten ~~[notice]~~ record required by this subsection and upon  
13       receipt of written authorization from the employee, the employer  
14       may provide an electronic ~~[notice]~~ record that may be  
15       electronically accessed by the employee. At the request of an  
16       employee, an employer shall provide an explanation in writing of  
17       how the wages were computed."

18       SECTION 3. Statutory material to be repealed is bracketed  
19       and stricken. New statutory material is underscored.

20       SECTION 4. This Act shall take effect on January 1, 2013.



**Report Title:**

Wages; Payment of Compensation

**Description:**

Requires employers to provide employees with specific wage and employer information in employees' pay records. Effective January 1, 2013.. (HB1679 HD1)

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

