
A BILL FOR AN ACT

RELATING TO WAGE AND HOUR LAW.

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

1 SECTION 1. Section 387-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "employee" to read as
3 follows:

4 ""Employee" includes any individual employed by an
5 employer, but shall not include any individual employed:

6 (1) At a guaranteed compensation totaling [~~\$2,000~~] \$3,000
7 or more a month, whether paid weekly, biweekly, or
8 monthly;

9 (2) In agriculture for any workweek in which the employer
10 of the individual employs less than twenty employees
11 or in agriculture for any workweek in which the
12 individual is engaged in coffee harvesting;

13 (3) In domestic service in or about the home of the
14 individual's employer or as a house parent in or about
15 any home or shelter maintained for child welfare
16 purposes by a charitable organization exempt from
17 income tax under section 501 of the federal Internal
18 Revenue Code;



- 1 (4) By the individual's brother, sister, brother-in-law,
2 sister-in-law, son, daughter, spouse, parent, or
3 parent-in-law;
- 4 (5) In a bona fide executive, administrative, supervisory,
5 or professional capacity or in the capacity of outside
6 salesperson or as an outside collector;
- 7 (6) In the propagating, catching, taking, harvesting,
8 cultivating, or farming of any kind of fish,
9 shellfish, crustacean, sponge, seaweed, or other
10 aquatic forms of animal or vegetable life, including
11 the going to and returning from work and the loading
12 and unloading of such products prior to first
13 processing;
- 14 (7) On a ship or vessel and who has a Merchant Mariners
15 Document issued by the United States Coast Guard;
- 16 (8) As a driver of a vehicle carrying passengers for hire
17 operated solely on call from a fixed stand;
- 18 (9) As a golf caddy;
- 19 (10) By a nonprofit school during the time such individual
20 is a student attending such school;
- 21 (11) In any capacity if by reason of the employee's
22 employment in such capacity and during the term



1 thereof the minimum wage which may be paid the
2 employee or maximum hours which the employee may work
3 during any workweek without the payment of overtime,
4 are prescribed by the federal Fair Labor Standards Act
5 of 1938, as amended, or as the same may be further
6 amended from time to time; provided that if the
7 minimum wage which may be paid the employee under the
8 Fair Labor Standards Act for any workweek is less than
9 the minimum wage prescribed by section 387-2, then
10 section 387-2 shall apply in respect to the employees
11 for such workweek; provided further that if the
12 maximum workweek established for the employee under
13 the Fair Labor Standards Act for the purposes of
14 overtime compensation is higher than the maximum
15 workweek established under section 387-3, then section
16 387-3 shall apply in respect to such employee for such
17 workweek; except that the employee's regular rate in
18 such an event shall be the employee's regular rate as
19 determined under the Fair Labor Standards Act;

20 (12) As a seasonal youth camp staff member in a resident
21 situation in a youth camp sponsored by charitable,
22 religious, or nonprofit organizations exempt from



1 income tax under section 501 of the federal Internal
2 Revenue Code or in a youth camp accredited by the
3 American Camping Association; or

4 (13) As an automobile salesperson primarily engaged in the
5 selling of automobiles or trucks if employed by an
6 automobile or truck dealer licensed under chapter
7 437."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN - 8 2014



H.B. NO. 1485

Report Title:

Wage and Hour Law; Minimum Compensation Exemption

Description:

Increases from \$2,000 to \$3,000 the amount of guaranteed monthly compensation required to exempt an individual from minimum wage, overtime, and record keeping requirements under the Hawaii Wage and Hour Law.

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