
A BILL FOR AN ACT

RELATING TO COMPENSATION.

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

1 SECTION 1. Section 104-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§104-1 Definitions.** As used in this chapter, the
4 following words and phrases shall have the following meanings:

5 (1) "Basic hourly rate" means the hourly wage paid to a
6 laborer or mechanic for work performed during
7 nonovertime hours, but shall not include the cost to
8 an employer of furnishing fringe benefits whether paid
9 directly or indirectly to the laborer or mechanic as
10 provided in paragraph (7);

11 (2) "Construction" includes alteration, repair, painting,
12 and decorating;

13 (3) "Department" means the department of labor and
14 industrial relations;

15 (4) "Director" means the director of labor and industrial
16 relations of the State;



1 (5) "Governmental contracting agency" means the State, any
2 county and any officer, bureau, board, commission, or
3 other agency or instrumentality thereof;

4 (6) "Overtime compensation" means compensation based on
5 not less than one and one-half times the laborers or
6 mechanics basic hourly rate of pay plus the cost to an
7 employer of furnishing a laborer or mechanic with
8 fringe benefits as described in paragraph (7); and

9 (7) "Wages", "rate of wages", "wage rates", "minimum
10 wages", and "prevailing wages" mean the basic hourly
11 rate and the cost to an employer of furnishing a
12 laborer or mechanic with fringe benefits, including
13 but not limited to health and welfare benefits,
14 vacation benefits, and pension benefits, whether paid
15 directly or indirectly to the laborer or mechanic."

16 SECTION 2. Section 104-2, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) No laborer or mechanic employed on the job site of
19 any public work of the State or any political subdivision
20 thereof shall be permitted or required to work on Saturday,
21 Sunday, or a legal holiday of the State or in excess of eight
22 hours on any other day unless the laborer or mechanic receives



1 overtime compensation for all hours worked on Saturday, Sunday,
2 and a legal holiday of the State or in excess of eight hours on
3 any other day. The rate for overtime work shall be those rates
4 specified in the collective bargaining agreement when the basic
5 hourly rate is based on a collective bargaining agreement rate.
6 For purposes of determining overtime compensation under this
7 subsection, the basic hourly rate of any laborer or mechanic
8 shall not be less than the basic hourly rate determined by the
9 director to be the prevailing basic hourly rate for
10 corresponding classes of laborers and mechanics on projects of
11 similar character in the State."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Overtime Compensation; Public Works

Description:

Adds flexibility to the calculation of overtime compensation for government public works construction contracts greater than \$2,000 by providing that overtime compensation be not less than 1½ times the laborers or mechanics basic hourly rate of pay plus fringe benefits. Specifies that the overtime rate be as specified in the collective bargaining agreement when the basic hourly rate is based on a collective bargaining agreement.

(HB1958 HD1)

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