
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 nonovertime hours,
7 but shall not include the cost to an employer of furnishing
8 fringe benefits whether paid directly or indirectly to the
9 laborer or mechanic as provided in ~~[paragraph (7)]~~ the
10 definition of "wages".

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,
2 any county and any officer, bureau, board, commission, or other
3 agency or instrumentality thereof~~[+]~~.

4 ~~[(6)]~~ "Overtime compensation" means compensation based on
5 not less than one and one-half times the laborers or mechanics
6 basic hourly rate of pay plus the cost to an employer of
7 furnishing a laborer or mechanic with fringe benefits as
8 described in ~~[paragraph (7)+]~~ the definition of "wages";
9 provided that if the department determines that the prevailing
10 wage is determined by a group represented by a collective
11 bargaining agreement, then the overtime and any other premium
12 rates of pay shall be at the rates set by the collective
13 bargaining agreement.

14 ~~[(7)]~~ "Wages", "rate of wages", "wage rates", "minimum
15 wages", and "prevailing wages" mean the basic hourly rate and
16 the cost to an employer of furnishing a laborer or mechanic with
17 fringe benefits, including but not limited to health and welfare
18 benefits, vacation benefits, and pension benefits, whether paid
19 directly or indirectly to the laborer or mechanic."

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



1 "(c) No laborer or mechanic employed on the job site of
2 any public work of the State or any political subdivision
3 thereof shall be permitted or required to work on Saturday,
4 Sunday, or a legal holiday of the State or in excess of eight
5 hours on any other day unless the laborer or mechanic receives
6 overtime compensation for all hours worked on Saturday, Sunday,
7 and a legal holiday of the State or in excess of eight hours on
8 any other day. The rate for overtime work shall be those rates
9 specified in the collective bargaining agreement when the basic
10 hourly rate is based on a collective bargaining agreement rate.
11 For purposes of determining overtime compensation under this
12 subsection, the basic hourly rate of any laborer or mechanic
13 shall not be less than the basic hourly rate determined by the
14 director to be the prevailing basic hourly rate for
15 corresponding classes of laborers and mechanics on projects of
16 similar character in the State."

17 SECTION 3. Section 444-16.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§444-16.5 Bond.** The contractors license board may
20 require each licensee, applicant, individual or corporate, who
21 is a specialty contractor to put up bond in the sum of not less
22 than \$5,000 executed by the licensee or applicant as principal



1 and by a surety company authorized to do business in the State
2 as surety.

3 The board may require each licensee, applicant, individual
4 or corporate, who is a general contractor to put up a bond in
5 the sum of not less than \$5,000 executed by the licensee or
6 applicant as principal and by a surety company authorized to do
7 business in the State as surety.

8 The board, in exercising its discretion shall take into
9 consideration the licensee's or applicant's financial condition
10 and experience in the field.

11 The bond shall be in such form as the board may prescribe,
12 conditioned upon the payment of wages, as defined in section
13 [~~104-1(7)~~], 104-1, to the employees of the contractor or any
14 other person or entity entitled to such wages when due, and
15 giving employees or any other person or entity entitled to such
16 wages who have not been paid a right of action on the bond in
17 their own names; and upon the honest conduct of the business of
18 the licensee, and upon the right of any person injured or
19 damaged by any wrongful act of the licensee to bring an action
20 on the bond; provided that any claim for wages shall have
21 priority over all other claims."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 5. This Act shall take effect on July 1, 2030.



Report Title:

Overtime Compensation; Public Works

Description:

For government public works construction contracts greater than \$2,000, provides that overtime compensation be not less than 1-1/2 times the laborers or mechanics basic hourly rate of pay plus fringe benefits and that if the department of labor and industrial relations determines that the prevailing wage is determined by a group represented by collective bargaining, then the overtime and any other premium shall be at the same rates set by the collective bargaining agreement. 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. Effective 07/01/30. (SD2)

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

