
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 or more~~
7 ~~a month,~~] a monthly minimum of the amount of the
8 applicable minimum wage under section 387-2 multiplied
9 by three hundred twenty, whether paid weekly,
10 biweekly, or monthly;

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

15 (3) In or about the home of the individual's employer:

16 (A) In domestic service on a casual basis; or

17 (B) Providing companionship services for the aged or
18 infirm;



- 1 (4) As a house parent in or about any home or shelter
2 maintained for child welfare purposes by a charitable
3 organization exempt from income tax under section 501
4 of the federal Internal Revenue Code;
- 5 (5) By the individual's brother, sister, brother-in-law,
6 sister-in-law, son, daughter, spouse, parent, or
7 parent-in-law;
- 8 (6) In a bona fide executive, administrative, supervisory,
9 or professional capacity or in the capacity of outside
10 salesperson or as an outside collector;
- 11 (7) In the propagating, catching, taking, harvesting,
12 cultivating, or farming of any kind of fish,
13 shellfish, crustacean, sponge, seaweed, or other
14 aquatic forms of animal or vegetable life, including
15 the going to and returning from work and the loading
16 and unloading of such products prior to first
17 processing;
- 18 (8) On a ship or vessel and who has a Merchant Mariners
19 Document issued by the United States Coast Guard;
- 20 (9) As a driver of a vehicle carrying passengers for hire
21 operated solely on call from a fixed stand;
- 22 (10) As a golf caddy;



1 (11) By a nonprofit school during the time such individual
2 is a student attending such school;

3 (12) In any capacity if by reason of the employee's
4 employment in such capacity and during the term
5 thereof the minimum wage which may be paid the
6 employee or maximum hours which the employee may work
7 during any workweek without the payment of overtime,
8 are prescribed by the federal Fair Labor Standards Act
9 of 1938, as amended, or as the same may be further
10 amended from time to time; provided that if the
11 minimum wage which may be paid the employee under the
12 Fair Labor Standards Act for any workweek is less than
13 the minimum wage prescribed by section 387-2, then
14 section 387-2 shall apply in respect to the employees
15 for such workweek; provided further that if the
16 maximum workweek established for the employee under
17 the Fair Labor Standards Act for the purposes of
18 overtime compensation is higher than the maximum
19 workweek established under section 387-3, then section
20 387-3 shall apply in respect to such employee for such
21 workweek; except that the employee's regular rate in

1 such an event shall be the employee's regular rate as
2 determined under the Fair Labor Standards Act;

3 (13) As a seasonal youth camp staff member in a resident
4 situation in a youth camp sponsored by charitable,
5 religious, or nonprofit organizations exempt from
6 income tax under section 501 of the federal Internal
7 Revenue Code or in a youth camp accredited by the
8 American Camping Association; or

9 (14) As an automobile salesperson primarily engaged in the
10 selling of automobiles or trucks if employed by an
11 automobile or truck dealer licensed under chapter
12 437."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



Report Title:

Wage and Hour Law; Minimum Compensation Exemption

Description:

Increases 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. Establishes a formula for calculation of the guaranteed monthly compensation that pays guaranteed monthly compensation to the applicable minimum wage rate. (SD1)

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