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# 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,  
12 painting, and decorating[+]\_.

13 [~~3~~] "Department" means the department of labor and  
14 industrial relations[+]\_.

15 [~~4~~] "Director" means the director of labor and  
16 industrial relations [~~of the State~~]\_.

17 [~~5~~] "Governmental contracting agency" means the  
18 State[+]\_; any county; and any officer, bureau, board,



1 commission, or other agency or instrumentality [~~thereof,~~] of the  
2 State or a county.

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

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

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

21 "(c) No laborer or mechanic employed on the job site of  
22 any public work of the State or any political subdivision



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

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2114.



**Report Title:**

Overtime Compensation; Public Works

**Description:**

Establishes the calculation of overtime compensation for government public works construction contracts that are greater than \$2,000 to be not less than one and one-half times the laborer's or mechanic's basic hourly rate of pay plus the cost of fringe benefits. Establishes that the overtime compensation rate shall be the rate specified in a collective bargaining agreement if the prevailing wage is based on such agreement. Effective July 1, 2114. (SB2704 HD1)

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

