
A BILL FOR AN ACT

RELATING TO WAGES AND HOURS ON PUBLIC WORKS.

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

1 SECTION 1. Section 104-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "overtime compensation" to
3 read as follows:

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

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

15 "(c) No laborer or mechanic employed on the job site of
16 any public work of the State or any political subdivision
17 thereof shall be permitted or required to work on Saturday,
18 Sunday, or a legal holiday of the State or in excess of eight



1 hours on any other day unless the laborer or mechanic receives
2 overtime compensation for all hours worked on Saturday, Sunday,
3 and a legal holiday of the State or in excess of eight hours on
4 any other day. The rate for overtime work shall be those rates
5 specified in the collective bargaining agreement when the basic
6 hourly rate is based on a collective bargaining agreement rate.

7 For purposes of determining overtime compensation under
8 this subsection, the basic hourly rate of any laborer or
9 mechanic shall not be less than the basic hourly rate determined
10 by the director to be the prevailing basic hourly rate for
11 corresponding classes of laborers and mechanics on projects of
12 similar character in the State."

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

15 "§444-16.5 Bond. The contractors license board may
16 require each licensee, applicant, individual or corporate, who
17 is a specialty contractor to put up bond in the sum of not less
18 than \$5,000 executed by the licensee or applicant as principal
19 and by a surety company authorized to do business in the State
20 as surety.



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

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

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

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2050.



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 laborer's or mechanic's 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 7/1/2050. (SD2)

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