

JAN 18 2023

A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

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

1 SECTION 1. The legislature finds that employers have a
2 duty to pay their employees on time. In 2017, former Governor
3 Ige signed Act 135, Session Laws of Hawaii 2017 (Act 135), into
4 state law, which established how and when employees are to be
5 paid. Under Act 135, an employer that fails to pay wages within
6 the seven days after the end of a pay period may be ordered to
7 pay an administrative penalty of at least \$500, in addition to
8 back pay and a damage award equal to the amount of unpaid wages
9 and interest at a rate of six percent per year from the date
10 that the wages were due. The legislature finds that the State
11 and Counties should hold themselves to the same standard.

12 The purpose of this Act is to increase the accountability
13 of state and county employers with respect to the timely payment
14 of wages to their employees.

15 SECTION 2. Section 388-1, Hawaii Revised Statutes, is
16 amended by amending the definition of "employer" to read as
17 follows:



1 "Employer" includes any individual, partnership,
2 association, joint-stock company, trust, corporation, the
3 personal representative of the estate of a deceased individual
4 or the receiver, trustee, or successor of any of the same,
5 employing any person, but shall not include [~~the State or any~~
6 ~~political subdivision thereof or~~] the United States[-]; provided
7 that the term includes the State and any political subdivision
8 thereof when a provision of this chapter has no comparable
9 provision in chapter 78."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY: *Kal Throck*



S.B. NO. 43

Report Title:

Employment; State and County Employers; Payment of Wages

Description:

Amends the definition of "employer" in chapter 388, Hawaii Revised Statutes, relating to wages and other compensation to include the State and counties when a provision in that chapter has no comparable provision in chapter 78, Hawaii Revised Statutes, relating to public officers and employees.

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