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# A BILL FOR AN ACT

RELATING TO OVERTIME.

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

1           SECTION 1. Section 387-3, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:  
3           "**§387-3 Maximum hours.** (a) No employer shall, except as  
4 otherwise provided in this section, employ any employee for [a]:  
5           (1) A workweek longer than forty hours unless the employee  
6           receives overtime compensation for the employee's  
7           employment in excess of [the hours above specified]  
8           forty hours in the workweek at a rate not less than  
9           one and one-half times the regular rate at which the  
10           employee is employed[-]; or  
11           (2) A workday longer than eight hours for more than six  
12           days in any workweek unless the employee receives  
13           overtime compensation at a rate not less than:  
14           (A) One and one-half times the regular rate at which  
15           the employee is employed for the employee's  
16           employment in excess of eight hours up to and  
17           including twelve hours in a workday, and for the



1           first eight hours worked on the seventh  
2           consecutive day of the workweek; and  
3           (B) Double the regular rate at which the employee is  
4           employed for the employee's employment in excess  
5           of twelve hours in a workday, and for all hours  
6           worked in excess of eight hours on the seventh  
7           consecutive day of the workweek.

8           For the purposes of this section[+]:[+]

9           (1) "Employee" has the same meaning as defined in section  
10           387-1; provided that "employee" shall include a minor  
11           who has attained the age of sixteen years but not  
12           eighteen years and satisfies the conditions of section  
13           390-2(b);

14           (2) "Employer" means a person who directly or indirectly,  
15           or through an agent or any other person, including  
16           through the services of a third-party member,  
17           temporary services, or staffing agency, independent  
18           contractor, or any similar entity, at any time in the  
19           prior twelve months, employees or exercises control  
20           over the wages, hours, or working conditions of fifty  
21           or more employees at a single business establishment;



1        [~~1~~] (3) "Salary" means a predetermined wage, exclusive of  
2            the reasonable cost of board, lodging, or other  
3            facilities, at which an employee is employed each pay  
4            period; and

5        [~~2~~] (4) If an employee performs two or more different  
6            kinds of work for the same employer, the total  
7            earnings for all such work for the pay period shall be  
8            considered to have been earned for performing one kind  
9            of work.

10        (b) The regular rate of an employee who is employed on a  
11 salary shall be computed as follows:

12        (1) If the employee is employed on a daily salary, the  
13            daily salary and the reasonable cost of board,  
14            lodging, or other facilities, if furnished to the  
15            employee, shall be divided by eight;

16        [~~1~~] (2) If the employee is employed on a weekly salary,  
17            the weekly salary and the reasonable cost of board,  
18            lodging, or other facilities, if furnished to the  
19            employee, shall be divided by forty~~[-]~~;

20        [~~2~~] (3) If the employee is employed on a biweekly salary,  
21            the biweekly salary and the reasonable cost of board,




1 lodging, or other facilities, if furnished to the  
2 employee, shall be divided by two and the quotient  
3 divided by forty~~[+]~~;

4 ~~[(3)]~~ (4) If the employee is employed on a semi-monthly  
5 salary, the semi-monthly salary and the reasonable  
6 cost of board, lodging, or other facilities, if  
7 furnished to the employee, shall be multiplied by  
8 twenty-four, the product divided by fifty-two and the  
9 quotient divided by forty~~[+]~~; and

10 ~~[(4)]~~ (5) If the employee is employed on a monthly salary,  
11 the monthly salary and the reasonable cost of board,  
12 lodging, or other facilities if furnished to the  
13 employee, shall be multiplied by twelve, the product  
14 divided by fifty-two and the quotient divided by  
15 forty."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

19 INTRODUCED BY: 



# S.B. NO. 2610

**Report Title:**

Wage and Hour Law; Overtime Pay

**Description:**

Prohibits employers from employing employees for a workday longer than eight hours for more than 6 days in a workweek unless the employer pays the employee overtime pay at 1.5 times the employee's regular rate for hours worked in excess of 8 hours, and double the employee's regular pay rate for hours worked in excess of 12 hours in a workday. Extends the overtime pay requirements to certain minors who are sixteen and seventeen years of age.

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

