
A BILL FOR AN ACT

RELATING TO THE 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~~] \$4,000
7 or more a month, whether paid weekly, biweekly, or
8 monthly;

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

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

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

15 (B) Providing companionship services for the aged or
16 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,~~] sibling,
7 sibling-in-law, child, spouse, parent, or
8 parent-in-law;
- 9 (6) In a bona fide executive, administrative, supervisory,
10 or professional capacity or in the capacity of outside
11 salesperson or as an outside collector;
- 12 (7) In the propagating, catching, taking, harvesting,
13 cultivating, or farming of any kind of fish,
14 shellfish, crustacean, sponge, seaweed, or other
15 aquatic forms of animal or vegetable life, including
16 the going to and returning from work and the loading
17 and unloading of [~~such~~] those products [~~prior to~~]
18 before first processing;
- 19 (8) On a ship or vessel and who has a Merchant Mariners
20 Document issued by the United States Coast Guard;



- 1 (9) As a driver of a vehicle carrying passengers for hire
2 operated solely on call from a fixed stand;
- 3 (10) As a golf caddy;
- 4 (11) By a nonprofit school during the time [~~such~~] that the
5 individual is a student attending [~~such~~] the school;
- 6 (12) In any capacity if by reason of the employee's
7 employment, in [~~such~~] that capacity and during the
8 term thereof, the minimum wage [~~which~~] that may be
9 paid to the employee or maximum hours [~~which~~] that the
10 employee may work during any workweek without the
11 payment of overtime, are prescribed by the federal
12 Fair Labor Standards Act of 1938, as amended, or as
13 the same may be further amended from time to time;
14 provided that if the minimum wage [~~which~~] that may be
15 paid to the employee under the Fair Labor Standards
16 Act for any workweek is less than the minimum wage
17 prescribed by section 387-2, then section 387-2 shall
18 apply in respect to the [~~employees~~] employee for
19 [~~such~~] that workweek; provided further that if the
20 maximum workweek established for the employee under
21 the Fair Labor Standards Act for the purposes of



1 overtime compensation is higher than the maximum
2 workweek established under section 387-3, then section
3 387-3 shall apply in respect to [~~such~~] the employee
4 for [~~such~~] that workweek; except that the employee's
5 regular rate in [~~such an~~] that event shall be the
6 employee's regular rate as determined under the Fair
7 Labor Standards Act;

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

14 (14) As an automobile salesperson primarily engaged in the
15 selling of automobiles or trucks if employed by an
16 automobile or truck dealer licensed under chapter
17 437."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Wage and Hour Law; Employee; Guaranteed Compensation

Description:

Amending the definition of "employee" in Hawaii's Wage and Hour Law to exclude any employee who receives guaranteed compensation totaling \$4,000 or more a month. Takes effect 7/1/2050. (SD1)

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

