

JAN 19 2024

A BILL FOR AN ACT

RELATING TO MINIMUM WAGE.

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~~] \$2,240
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, spouse, parent, or
7 parent-in-law;
- 8 (6) In a bona fide executive, administrative, supervisory,
9 or professional capacity or in the capacity of outside
10 salesperson or as an outside collector;
- 11 (7) In the propagating, catching, taking, harvesting,
12 cultivating, or farming of any kind of fish,
13 shellfish, crustacean, sponge, seaweed, or other
14 aquatic forms of animal or vegetable life, including
15 the going to and returning from work and the loading
16 and unloading of such products prior to first
17 processing;
- 18 (8) On a ship or vessel and who has a Merchant Mariners
19 Document issued by the United States Coast Guard;
- 20 (9) As a driver of a vehicle carrying passengers for hire
21 operated solely on call from a fixed stand;



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



1 workweek; except that the employee's regular rate in
2 such an event shall be the employee's regular rate as
3 determined under the Fair Labor Standards Act;

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

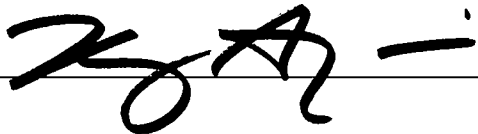
10 (14) As an automobile salesperson primarily engaged in the
11 selling of automobiles or trucks if employed by an
12 automobile or truck dealer licensed under
13 chapter 437."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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S.B. NO. 2609

Report Title:

Minimum Wage; Increase; Monthly Compensation

Description:

Increases from \$2,000 to \$2,240, the minimum amount of guaranteed compensation required for an individual employed by and an employer who is exempt from the State's Wage and Hour Law.

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