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# 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 \$4,000 or more a  
7 month, whether paid weekly, biweekly, or monthly;

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

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

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

14               (B) Providing companionship services for the aged or  
15 infirm;

16       (4) As a house parent in or about any home or shelter  
17 maintained for child welfare purposes by a charitable



1 organization exempt from income tax under section 501  
2 of the federal Internal Revenue Code;

3 (5) By the individual's sibling, sibling-in-law, child,  
4 spouse, parent, or parent-in-law;

5 (6) In a bona fide executive, administrative, supervisory,  
6 or professional capacity or in the capacity of outside  
7 salesperson or as an outside collector;

8 (7) In the propagating, catching, taking, harvesting,  
9 cultivating, or farming of any kind of fish,  
10 shellfish, crustacean, sponge, seaweed, or other  
11 aquatic forms of animal or vegetable life, including  
12 the going to and returning from work and the loading  
13 and unloading of those products before first  
14 processing;

15 (8) On a ship or vessel and who has a Merchant Mariners  
16 Document issued by the United States Coast Guard;

17 (9) As a driver of a vehicle carrying passengers for hire  
18 operated solely on call from a fixed stand;

19 (10) As a golf caddy;

20 (11) By a nonprofit school during the time that the  
21 individual is a student attending the school;



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



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

(14) As an automobile salesperson primarily engaged in the selling of automobiles or trucks if employed by an automobile or truck dealer licensed under chapter 437~~[-]~~; or

(15) In agriculture and primarily engaged in the range production of livestock."

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

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

INTRODUCED BY:



JAN 16 2025



# H.B. NO. 222

**Report Title:**

Wage and Hour Law; Employee; Range Production of Livestock;  
Exemption

**Description:**

Amends the definition of "employee" in Hawaii's wage and hour law by excluding individuals who are primarily engaged in the range production of livestock.

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

