

**ACT 7**

An Act Relating to Hours of Work and Overtime Work of Public Officers and Employees.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 5-72 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**“Sec. 5-72. Hours of work of officers and employees; compensation for overtime.** (a) The provisions of this section shall apply to every officer or employee of the state or any of its political subdivisions, or of any department, board, commission or other agency of the state or any of its political subdivisions, except the head of any department, his first deputy or first assistant, or the head of a division or bureau of a department established by ordinance or statute, or to the head of any division of a department as may be designated by the department head subject to the approval of the governor of the state, or of the chief executive officer of any of its political subdivisions, whichever is applicable.

(b) Except as otherwise provided in this section, the normal work week of all government personnel shall be forty hours with not more than eight hours of work in any day. The normal work week shall be applicable to all such personnel, irrespective of whether their work is performed during the hours specified in section 5-70.

(c) The normal work week may be exceeded for operational convenience so long as an average of eighty hours for every two weeks is maintained with not more than eight hours in any day, in which cases personnel shall not be entitled to compensation for overtime.

(d) In agencies rendering twenty-four hours of service, seven days a week, the normal work week may be exceeded for operational convenience to a maximum of forty-eight hours in any week with not more than eight hours in any day so long as an average of eighty hours for every two weeks is maintained. Work schedules for such agencies shall be posted at least two weeks in advance.

(e) The limitation of eight hours of work a day may be waived for the convenience of employees of Kulani Prison and the Division of Training Schools by an agreement between a majority of a group of officers or employees and the head of that agency in which they are employed; provided, however, that the total hours of work shall not exceed an average of eighty hours for every two weeks.

(f) The hours of work of the fire-fighting members of the fire departments of the political subdivisions of the state shall be governed by the following provisions:

(1) The maximum number of hours of work shall be two hundred eighty-eight hours of actual service for twenty-eight days.

(2) Not more than one hundred forty-four hours of work shall be required in any two week period.

(3) The number of hours of each day's work shall be fixed from time to time by the head of the department.

(g) Compensation for all hours worked in excess of the foregoing limitations, whether granted as compensatory time off or paid in cash, shall be at the rate of one and one-half hours for each hour of overtime work.

(h) Compensatory time off shall be granted within thirty days from the day in which the overtime was worked, except that in the case of personnel of the police department, it shall be granted within ninety days.

(i) Compensation for overtime work may be paid in cash, provided, that in the case of state personnel, funds are available and approval of the governor is had, or in the case of personnel of the political subdivisions of the state, an ordinance authorizes such payment.

(j) If compensation for overtime worked has not been granted as compensatory time off within the period specified in paragraph (h) or paid for in cash, the hours of compensatory time off shall be added to the vacation allowance of the officer or employee.

(k) If compensation for overtime worked is due an officer or employee at the time of severance, it shall be paid in cash.

(l) By agreement between any officer or employee and the head of the agency in which he is employed, the equivalent of the reasonable value of meals furnished him by the agency in terms of hours of work

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may be deducted from the compensatory time off or payment for over-time worked to which he is entitled.”

SECTION 2. Section 5-70 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the subtitle of the section to read as follows:

**“Sec. 5-70. Office hours.”**

(b) By deleting the second, third and fourth paragraphs of said section.

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

**(Approved November 13, 1959.) S.B. 75.**

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