

**ACT 164**

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; and premium pay.** (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, where pay is established by chapter 4, Revised Laws of Hawaii 1955, as amended, except:

- (1) Elected officials;
- (2) The head of any department, first deputy or first assistant;
- (3) Officers and employees assigned to salary ranges 29, 30, and 31.

(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 limitation of eight hours of work a day or forty hours a week may be waived for the convenience of employees by an agreement between a majority of a group of officers or employees and the head of that agency in which they are employed. Such an agreement shall be cancelled or amended whenever a majority of the group wish to cancel or amend it.

(d) 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 and 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.

(e) Employees in salary ranges 1 through 16 shall be paid for all hours worked in excess of the foregoing limitations in cash at the rate of one and one-half hours for each hour of overtime worked.

Employees in salary ranges 17 through 28 shall be paid for all hours worked in excess of the foregoing limitations in cash at the rate of one and one-half times the minimum step of salary range 17.

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

(g) Any work performed in a spread of more than ten hours per day, exclusive of meal periods, shall be considered as overtime work and the employee shall be paid for such work at the rate of time and one-half.

(h) Whenever an employee is required to report to work because of an emergency outside of his regular scheduled working hours, he shall be paid for a minimum of two hours of work, calculated from the time he leaves his home until he returns from work.

(i) The provisions of this section in regard to payment in cash shall be applicable when compensatory time off for the overtime cannot be taken by the employee within thirty days after the overtime work.

(j) An employee who, by agreement with the head of his department, performs standby or emergency service in excess of his normal hours of work in exchange for accommodations provided him for the convenience of the government, shall not be entitled to overtime credit for such service except for emergency service rendered on his scheduled day off."

SECTION 2. This Act shall take effect upon its approval.

(Approved July 8, 1961.) **S.B. 233.**

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