

ACT 132

A Bill for an Act Relating to Wages and Hours and Amending Chapter 94, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 94, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) Item (c) in the paragraph defining "employee" in section 94-2 is amended to read:

"(c) in domestic service in or about the home of his employer or as a house parent in or about any home or shelter maintained for child welfare purposes by a charitable organization exempt from income tax under Section 501 of the Federal Internal Revenue Code;"

(b) The definition of "week" in section 94-2 is amended to read: "Week' or 'workweek' means a fixed and regularly recurring period of seven consecutive days."

(c) Section 94-6 is amended by adding thereto the following subsection:

"(e) Every employer shall permit the director or his authorized representative to confer with and interrogate any employee of such employer at the place of employment and during working hours with respect to any matter cognizable under this chapter."

(d) Section 94-8 is amended to read:

"Section 94-8. Disclosure of information. Except as otherwise provided herein, information secured from inspection of the records, or from the transcriptions or from the taking of transcriptions thereof, or from inspection of the employer's premises by the director or his authorized representative, shall be held confidential and shall not be disclosed or be open to any person. Such information may be made available:

(a) to officials concerned with, and for the purposes of, the administration of the laws relating to matters under the jurisdiction of the director;

(b) to any agency of this or any other State, or any Federal agency for the purposes of enforcing the provisions of this chapter;

(c) to any employee to the extent necessary for the proper presentation of his claim under the provisions of section 94-13;

(d) to the Wage and Hour and Public Contracts Divisions of the United State Department of Labor."

(e) The first paragraph of section 94-13 is amended to read:

"Criminal: (a) Any person divulging information in violation of section 94-8, or (b) any employer who willfully violates any provision of this chapter or of any rule, regulation or order issued under the authority of this chapter, or (c) any employer or his agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer, to the director or to any other person that he has not been paid wages in accordance with the provisions of this chapter, or has instituted or caused to be instituted any

proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding, or (d) any employer or his agent or any officer or agent of a corporation who pays or agrees to pay any employee compensation less than that which such employee is entitled to under this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for a period not to exceed one year or by both such fine and imprisonment.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 684.**