

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO LABOR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 387, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "~~§387-~~ **Canceled shifts.** (a) Each work day an employee  
5 is required to report for work and reports, but is not assigned  
6 work or is furnished less than half of the employee's usual or  
7 scheduled day's work, the employee shall be paid for half the  
8 usual or scheduled day's work; provided that the employee shall  
9 receive not less than two hours and not more than four hours of  
10 pay at the employee's regular rate; provided further that the  
11 rate of pay shall be not less than the applicable minimum wage  
12 pursuant to section 387-2.

13           (b) If an employee is required to report for work for a  
14 second time in any one workday and is furnished less than two  
15 hours of work on the second reporting, the employee shall be  
16 paid for two hours at the employee's regular rate of pay;



1 provided that the rate of pay shall not be less than the  
2 applicable minimum wage pursuant to section 387-2.

3 (c) This section shall not apply to:

4 (1) An operation that cannot commence or continue due to  
5 threats to employees or property, or recommendation by  
6 civil authorities;

7 (2) A cancellation of work or reduction of work hours due  
8 to failure by public utilities to supply electricity,  
9 water, or gas, or a failure in public utility  
10 services, including the sewer system, servicing the  
11 operation;

12 (3) An interruption of work that is caused by an act of  
13 God or other cause not within the employer's control;  
14 or

15 (4) An employee on paid standby status who is called to  
16 perform assigned work at a time other than the  
17 employee's scheduled reporting time.

18 (d) For the purposes of this section, "employer" means any  
19 individual, partnership, association, corporation, business  
20 trust, legal representative, or any organized group of persons,  
21 who directly or indirectly or through an agent or any other



1 person, including through the services of a third-party  
2 employer, temporary services, or staffing agency, independent  
3 contractor, or any similar entity, at any time in the prior  
4 twelve months, employs or exercises control over the wages,  
5 hours, or working conditions of fifty or more employees at a  
6 single business establishment."

7 SECTION 2. New statutory material is underscored.

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

9

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'ZJA', is written over a horizontal line.

# S.B. NO. 2940

**Report Title:**

Canceled Shift; Minimum Pay; Employees; Employers

**Description:**

Establishes provisions for minimum pay for employees who have canceled shifts or reduced work hours at a business establishment with fifty or more employees.

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

