

S.B. NO. 3032

JAN 24 2024

A BILL FOR AN ACT

RELATING TO ENFORCEMENT OF ORDERS OF WAGE PAYMENT.

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

1 SECTION 1. The legislature finds that the current means of
2 enforcing and collecting on final orders of wage payment
3 violations exclusively in a circuit court, as required by
4 section 388-9.7, Hawaii Revised Statutes, is inefficient and
5 results in delayed payments to employees who are entitled to
6 reimbursement from employers who violated wage payment laws.
7 The legislature further finds that expanding the statute to
8 allow enforcement proceedings to be brought in a district court
9 would improve the efficiency of the process. The department of
10 labor and industrial relations enforces wage provisions set
11 forth in chapter 388, Hawaii Revised Statutes. Current
12 enforcement procedure pursuant to section 388-9.7, Hawaii
13 Revised Statutes, requires that the director of labor and
14 industrial relations file a certified copy of any final order of
15 wage payment violation in a circuit court. The expedited
16 deadlines provided for in district courts equipped to handle
17 smaller claims would allow for more efficient adjudication of
18 wage payment violations. Amending section 388-9.7, Hawaii

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1 Revised Statutes, to allow enforcement in any court of competent
2 jurisdiction will expedite enforcement of final orders of wage
3 payment violation and will serve the public policy of enforcing
4 wage standards and ensuring employees are paid in accordance
5 with their employers' legal obligations.

6 SECTION 2. Section 388-9.7, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~f~~]§388-9.7[~~f~~] **Enforcement of the order of wage payment**
9 **violation.** The director may file in [~~the circuit~~] any court of
10 competent jurisdiction in the jurisdiction in which the employer
11 does business, a certified copy of the final order of wage
12 payment violation. The court shall render a judgment in
13 accordance with the final order of wage payment violation and
14 notify the parties of the judgment. The judgment shall have the
15 same effect, and all proceedings in relation to the judgment
16 shall be the same, as though the judgment had been rendered in
17 an action duly heard and determined by the court, except that
18 there shall be no appeal from the judgment."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Ann M. Williams

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BY REQUEST

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Report Title:

Wages; Department of Labor and Industrial Relations; Wage
Payment Violation Order Enforcement

Description:

Broadens enforcement of orders of wage payment violations to
allow for certified copies of orders of wage payment violation
to be filed in any court of competent jurisdiction.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO ENFORCEMENT OF ORDERS OF WAGE PAYMENT.

PURPOSE: To improve the efficiency in enforcing final orders of wage payment violations.

MEANS: Amend section 388-9.7, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Department of the Attorney General works on behalf of the Department of Labor and Industrial Relations to enforce and collect on final orders of wage payment violations. Currently, section 388-9.7, HRS, requires that enforcement proceedings on such orders be brought in a circuit court only. Broadening the statute to allow orders within the jurisdictional limits of district courts to be brought in a district court would expedite enforcement efforts and result in more efficient collection on these matters.

Impact on the public: This bill would improve the efficiency of collection of final orders of wage payment violation, which would benefit any employees whose rights have been violated by employers who have failed to pay them in accordance with the employers' legal obligations.

This bill would have no impact on small businesses as it would only change the venue of the court for enforcement of wage payment orders. It would not substantively impact employer rights or obligations.

Impact on the department and other agencies: This bill would assist the Department of the Attorney General by making collection efforts more efficient and expeditious.

This bill would affect the Judiciary only insofar as it would result in all or nearly all wage cases being brought in the district court system. Few if any would be brought in the circuit court system, as only an exceptional case would involve an amount above the jurisdictional limit of district court.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Judiciary and Department of Labor and
Industrial Relations.

EFFECTIVE DATE: Upon approval.