
A BILL FOR AN ACT

RELATING TO THE WAGE AND HOUR LAW.

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

- 1 SECTION 1. Section 387-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "employee" to read as
3 follows:
- 4 ""Employee" includes any individual employed by an
5 employer, but shall not include any individual employed:
- 6 (1) At a guaranteed compensation totaling \$4,000 or more a
7 month, whether paid weekly, biweekly, or monthly;
- 8 (2) In agriculture for any workweek in which the employer
9 of the individual employs less than twenty employees
10 or in agriculture for any workweek in which the
11 individual is engaged in coffee harvesting;
- 12 (3) In or about the home of the individual's employer:
- 13 (A) In domestic service on a casual basis; or
14 (B) Providing companionship services for the aged or
15 infirm;
- 16 (4) As a house parent in or about any home or shelter
17 maintained for child welfare purposes by a charitable



- 1 organization exempt from income tax under section 501
2 of the federal Internal Revenue Code;
- 3 (5) By the individual's sibling, sibling-in-law, child,
4 spouse, parent, or parent-in-law;
- 5 (6) In a bona fide executive, administrative, supervisory,
6 or professional capacity or in the capacity of outside
7 salesperson or as an outside collector;
- 8 (7) In the propagating, catching, taking, harvesting,
9 cultivating, or farming of any kind of fish,
10 shellfish, crustacean, sponge, seaweed, or other
11 aquatic forms of animal or vegetable life, including
12 the going to and returning from work and the loading
13 and unloading of those products before first
14 processing;
- 15 (8) On a ship or vessel and who has a Merchant Mariners
16 Document issued by the United States Coast Guard;
- 17 (9) As a driver of a vehicle carrying passengers for hire
18 operated solely on call from a fixed stand;
- 19 (10) As a golf caddy;
- 20 (11) By a nonprofit school during the time that the
21 individual is a student attending the school;



1 (12) In any capacity if by reason of the employee's
2 employment, in that capacity and during the term
3 thereof, the minimum wage that may be paid to the
4 employee or maximum hours that the employee may work
5 during any workweek without the payment of overtime,
6 are prescribed by the federal Fair Labor Standards Act
7 of 1938, as amended, or as the same may be further
8 amended from time to time; provided that if the
9 minimum wage that may be paid to the employee under
10 the Fair Labor Standards Act for any workweek is less
11 than the minimum wage prescribed by section 387-2,
12 then section 387-2 shall apply in respect to the
13 employee for that workweek; provided further that if
14 the maximum workweek established for the employee
15 under the Fair Labor Standards Act for the purposes of
16 overtime compensation is higher than the maximum
17 workweek established under section 387-3, then section
18 387-3 shall apply in respect to the employee for that
19 workweek; except that the employee's regular rate in
20 that event shall be the employee's regular rate as
21 determined under the Fair Labor Standards Act;



1 (13) As a seasonal youth camp staff member in a resident
2 situation in a youth camp sponsored by charitable,
3 religious, or nonprofit organizations exempt from
4 income tax under section 501 of the federal Internal
5 Revenue Code or in a youth camp accredited by the
6 American Camping Association; [~~or~~]

7 (14) As an automobile salesperson primarily engaged in the
8 selling of automobiles or trucks if employed by an
9 automobile or truck dealer licensed under chapter
10 437[~~-~~]; or

11 (15) In agriculture and primarily engaged in the range
12 production of livestock."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 3000.



H.B. NO. 222 H.D. 1

Report Title:

Wage and Hour Law; Employee; Range Production of Livestock;
Exemption

Description:

Amends the definition of "employee" in Hawaii's wage and hour law by excluding individuals who are primarily engaged in the range production of livestock. Effective July 1, 3000. (HD1)

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