
A BILL FOR AN ACT

RELATING TO WAGE AND HOUR LAW.

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

1 SECTION 1. The purpose of this Act is to raise the monthly
2 salary ceiling under which the wage and hour laws shall apply.
3 By raising the ceiling, this Act will discourage employers from
4 creating an atmosphere where overtime is expected but
5 uncompensated. It is the intent of the legislature that this
6 Act will apply in instances where this Act provides a higher
7 wage ceiling than does the federal Fair Labor Standards of 1938,
8 as amended.

9 SECTION 2. Section 387-1, Hawaii Revised Statutes, is
10 amended by amending the definition of "employee" to read as
11 follows:

12 ""Employee" includes any individual employed by an
13 employer, but shall not include any individual employed:

14 (1) At a guaranteed compensation totaling [~~\$2,000~~] \$2,800
15 or more a month, whether paid weekly, biweekly, or
16 monthly;

17 (2) In agriculture for any workweek in which the employer
18 of the individual employs less than twenty employees



- 1 or in agriculture for any workweek in which the
2 individual is engaged in coffee harvesting;
- 3 (3) In domestic service in or about the home of the
4 individual's employer or as a house parent in or about
5 any home or shelter maintained for child welfare
6 purposes by a charitable organization exempt from
7 income tax under section 501 of the federal Internal
8 Revenue Code;
- 9 (4) By the individual's brother, sister, brother-in-law,
10 sister-in-law, son, daughter, spouse, parent, or
11 parent-in-law;
- 12 (5) In a bona fide executive, administrative, supervisory,
13 or professional capacity or in the capacity of outside
14 salesperson or as an outside collector;
- 15 (6) In the propagating, catching, taking, harvesting,
16 cultivating, or farming of any kind of fish,
17 shellfish, crustacean, sponge, seaweed, or other
18 aquatic forms of animal or vegetable life, including
19 the going to and returning from work and the loading
20 and unloading of such products prior to first
21 processing;



- 1 (7) On a ship or vessel and who has a Merchant Mariners
- 2 Document issued by the United States Coast Guard;
- 3 (8) As a driver of a vehicle carrying passengers for hire
- 4 operated solely on call from a fixed stand;
- 5 (9) As a golf caddy;
- 6 (10) By a nonprofit school during the time such individual
- 7 is a student attending such school;
- 8 (11) In any capacity if by reason of the employee's
- 9 employment in such capacity and during the term
- 10 thereof the minimum wage which may be paid the
- 11 employee or maximum hours which the employee may work
- 12 during any workweek without the payment of overtime,
- 13 are prescribed by the federal Fair Labor Standards Act
- 14 of 1938, as amended, or as the same may be further
- 15 amended from time to time; provided that if the
- 16 minimum wage which may be paid the employee under the
- 17 Fair Labor Standards Act for any workweek is less than
- 18 the minimum wage prescribed by section 387-2, then
- 19 section 387-2 shall apply in respect to the employees
- 20 for such workweek; provided further that if the
- 21 maximum workweek established for the employee under
- 22 the Fair Labor Standards Act for the purposes of



1 overtime compensation is higher than the maximum
 2 workweek established under section 387-3, then section
 3 387-3 shall apply in respect to such employee for such
 4 workweek; except that the employee's regular rate in
 5 such an event shall be the employee's regular rate as
 6 determined under the Fair Labor Standards Act;

7 (12) As a seasonal youth camp staff member in a resident
 8 situation in a youth camp sponsored by charitable,
 9 religious, or nonprofit organizations exempt from
 10 income tax under section 501 of the federal Internal
 11 Revenue Code or in a youth camp accredited by the
 12 American Camping Association; or

13 (13) As an automobile salesperson primarily engaged in the
 14 selling of automobiles or trucks if employed by an
 15 automobile or truck dealer licensed under chapter
 16 437."

17 SECTION 3. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20 INTRODUCED BY:

J. Phil. Karametra (BR)

JAN 24 2007



Report Title:

Overtime Pay

Description:

Raises from \$2,000 to \$2,800 a month the maximum monthly salary over which the wage and hour laws concerning overtime pay do not apply.

