JAN 2 4 2019

A BILL FOR AN ACT

RELATING TO WAGES.

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

1	SECTION 1. Section 104-2, Hawaii Revised Statutes, is
2	amended by amending subsection (b) to read as follows:
3	"(b) Every laborer and mechanic performing work on the job
4	site for the construction of any public work project shall be
5	paid no less than prevailing wages; provided that:
6	(1) The prevailing wages shall be established by the
7	director as the sum of the basic hourly rate and the
8	cost to an employer of providing a laborer or mechanic
9	with fringe benefits. In making prevailing wage
10	determinations, the following shall apply:
11	(A) The director shall make separate findings of:
12	(i) The basic hourly rate; and
13	(ii) The rate of contribution or cost of fringe
14	benefits paid by the employer when the
15	payment of the fringe benefits by the
16	employer constitutes a prevailing practice.
17	The cost of fringe benefits shall be

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1		reflected in the wage rate scheduled as an
2		hourly rate; and
3		(B) The rates of wages which the director shall
4		regard as prevailing in each corresponding
5		classification of laborers and mechanics shall be
6		the rate of wages paid to the greatest number of
7		those employed in the State, the modal rate, in
8		the corresponding classes of laborers or
9		mechanics on projects that are similar to the
10		contract work;
11		provided that the foreman classification shall be
12		recognized and follow the requirements stated in the
13		collective bargaining agreement when the basic hourly
14		rate is established by a collective bargaining
15		agreement;
16	(2)	Except for the project prevailing wages established by
17		subsections (h) and (i), the prevailing wages shall be
18		not less than the wages payable under federal law to
19		corresponding classes of laborers and mechanics
20		employed on public works projects in the State that

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1	are prosecuted under contract or agreement with the
2	government of the United States; and
3	(3) Notwithstanding the provisions of the original
4	contract, the prevailing wages shall be periodically
5	adjusted during the performance of the contract in an
6	amount equal to the change in the prevailing wage as
7	periodically determined by the director."
8	SECTION 2. This Act does not affect rights and duties that
9	matured, penalties that were incurred, and proceedings that were
10	begun before its effective date.
11	SECTION 3. New statutory material is underscored.
12	SECTION 4. This Act shall take effect on July 1, 2019.
13	
	INTRODUCED BY:

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Report Title:

Laborers; Mechanics; Prevailing Wages; Collective Bargaining Agreement; Foremen Classification; Little Davis-Bacon Act

Description:

Requires that the foreman classification be recognized in Hawaii's Davis-Bacon Act and the requirements in the collective bargaining agreement be followed when the basic hourly rate is established by a collective bargaining agreement.

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