

JAN 23 2020

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# A BILL FOR AN ACT

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RELATING TO TEMPORARY STAFF OF THE LEGISLATURE.

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

1       SECTION 1. The legislature finds that temporary staff of  
2 the legislature, as well as all state government employees, do  
3 not qualify for overtime compensation under section 387-3,  
4 Hawaii Revised Statutes. The legislature further finds that  
5 temporary staff of the legislature are not entitled to overtime  
6 compensation under the federal Fair Labor Standards Act of 1938  
7 (29 U.S.C. 201 et seq.).

8       The purpose of this Act is to provide temporary staff of  
9 the legislature overtime compensation for hours worked in excess  
10 of forty hours within a workweek.

11       SECTION 2. Chapter 22, Hawaii Revised Statutes, is amended  
12 by adding a new section to be appropriately designated and to  
13 read as follows:

14       "§22-       Overtime for temporary staff; liability;  
15 enforcement; collection. (a) Temporary staff employed by  
16 either house of the legislature, who do not qualify as exempt  
17 administrative employees as outlined in section 13(a)(1) of the



1 federal Fair Labor Standards Act of 1938 (29 U.S.C.  
2 § 213(a)(1)), as amended, and in title 29 Code of Federal  
3 Regulations part 541, subpart C, shall receive overtime  
4 compensation for the temporary staff's employment in excess of  
5 forty hours within a workweek at a rate not less than one and  
6 one-half times the regular rate at which the temporary staff is  
7 employed.

8 (b) The regular rate of a temporary staff who is employed  
9 on a salary shall be computed as follows:

10 (1) If the employee is employed on a weekly salary, the  
11 weekly salary shall be divided by forty;

12 (2) If the employee is employed on a biweekly salary, the  
13 biweekly salary shall be divided by two and the  
14 quotient divided by forty;

15 (3) If the employee is employed on a semi-monthly salary,  
16 the semi-monthly salary shall be multiplied by twenty-  
17 four, the product divided by fifty-two and the  
18 quotient divided by forty; or

19 (4) If the employee is employed on a monthly salary, the  
20 monthly salary shall be multiplied by twelve, the



1           product divided by fifty-two and the quotient divided  
2           by forty.

3           (c) Any house of the legislature who violates subsection  
4           (a) shall be liable to the temporary staff affected in the  
5           amount of the temporary staff's unpaid overtime compensation.

6           (d) Action to recover liability incurred under subsection  
7           (c) may be maintained in any court of competent jurisdiction by  
8           any temporary staff for and on behalf of oneself or themselves  
9           and other temporary staff similarly situated, or the temporary  
10          staff may designate an agent or representative to maintain  
11          action for and on behalf of all temporary staff similarly  
12          situated. The court in such action shall, in addition to any  
13          judgment awarded to the plaintiff or plaintiffs, in the event  
14          the plaintiff or plaintiffs prevail, allow a reasonable  
15          attorneys' fee to be paid by the defendant and costs of the  
16          action.

17          (e) The circuit courts shall have jurisdiction, for cause  
18          shown, to restrain any withholding of payment of overtime  
19          compensation found by the court to be due to temporary staff  
20          under subsection (a)."

21          SECTION 3. New statutory material is underscored.



# S.B. NO. 3083

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

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INTRODUCED BY: *MMN.H.*

**By Request**



# S.B. NO. 3083

**Report Title:**

Temporary Staff of the Legislature; Overtime Compensation

**Description:**

Requires the legislature to provide overtime compensation to temporary staff for hours worked in excess of forty hours in a workweek. Outlines the available remedies for a violation.

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

