
A BILL FOR AN ACT

RELATING TO WAGES.

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

1 SECTION 1. Chapter 387, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§387— Order of wage payment violation; appeal. (a)

5 When the department, as a result of the department's own
6 investigation, finds that a violation of this chapter, chapter
7 388, or any administrative rule adopted under those chapters,
8 has been committed and not corrected, the department shall issue
9 an order of wage payment violation to the violating employer.
10 The order shall include any amount assessed pursuant to section
11 387-12(a).

12 (b) The order of wage payment violation shall be final and
13 conclusive unless the employer files a written notice of appeal
14 with the director within twenty days after a copy of the order
15 of wage payment violation has been sent to the employer.

16 (c) Within thirty days of the filing of the notice of
17 appeal, a hearing on the written notice of appeal shall be held



1 pursuant to chapter 91 by a hearings officer appointed by the
2 director. A decision stating the findings of fact and
3 conclusions of law shall be rendered by the hearings officer
4 within thirty days after the conclusion of the hearing.

5 (d) Any party to an appeal under this chapter may obtain
6 judicial review of the decision issued by the hearings officer
7 in the manner provided under chapter 91.

8 §387- Remittance of penalties. Until the order of wage
9 payment violation becomes final, the director may withdraw or
10 modify the order of wage payment violation or remit all or any
11 part of a penalty assessed if good cause is shown; provided that
12 the employer in default complies with this chapter and the
13 administrative rules adopted under this chapter.

14 §387- Enforcement of the order of wage payment
15 violation. The director may file a certified copy of the final
16 order of wage payment violation in the circuit court in the
17 jurisdiction in which the employer does business. The court
18 shall render a judgment in accordance with the final order of
19 wage payment violation and notify the parties of the judgment.
20 The judgment shall have the same effect, and all proceedings in
21 relation to the judgment shall be the same, as though the



1 judgment had been determined by the court; provided that there
2 shall be no appeal from the judgment."

3 SECTION 2. Section 387-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "wage" to read as follows:

5 "Wage" means (except as the department may provide under
6 section 387-11) legal tender of the United States or checks on
7 banks convertible into cash on demand at full face value thereof
8 as compensation for labor or services rendered by an employee,
9 whether the amount is determined on a time, task, piece,
10 commission, or other basis of calculation, and in addition
11 thereto the reasonable cost as determined by the department, to
12 the employer of furnishing an employee with board, lodging, or
13 other facilities if such board, lodging, or other facilities are
14 customarily furnished by such employer to the employer's
15 employees. Except for the purposes of the last sentence of
16 section 387-2, "wage" shall not include tips or gratuities of
17 any kind."

18 SECTION 3. Section 387-12, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) [~~Liability to employee. Any employer who violates~~
21 ~~any provision of sections 387-2 and 387-3 shall be liable to the~~



1 ~~employee or employees affected in the amount of their unpaid~~
2 ~~minimum wages or unpaid overtime compensation, and in case of~~
3 ~~wilful violation in an additional equal amount as liquidated~~
4 ~~damages.]~~ Civil. Any employer who fails to pay wages in
5 accordance with this chapter or chapter 388 without equitable
6 justification or violates this chapter, chapter 388, or any
7 administrative rules adopted under these chapters shall be
8 liable:

9 (1) To the employee, in addition to the wages legally
10 proven to be due, for a sum equal to the amount of
11 unpaid wages and interest at a rate of six per cent
12 per year from the date that the wages were due; and

13 (2) For a penalty of not less than \$500 or \$100 for each
14 violation, whichever is greater. The penalty shall be
15 deposited into the labor law enforcement special
16 fund."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: 

JAN 23 2020



H.B. NO. 2259

Report Title:

DLIR; Order of Wage Payment Violation; Wage and Hour; Enforcement; Penalties

Description:

Authorizes the Department of Labor and Industrial Relations to issue an order of wage payment violation to an employer in violation of provisions regarding wage and hour. Establishes penalties, enforcement, and appeal procedures related to orders of wage payment violations. Amends the "wage" definition under Chapter 387, Hawaii Revised Statutes, wage and hour law, to include compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation.

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