
A BILL FOR AN ACT

RELATING TO LABOR.

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 [~~\$2,000~~] \$4,000
7 or more a month, whether paid weekly, biweekly, or
8 monthly;

9 (2) In agriculture for any workweek in which the employer
10 of the individual employs less than twenty employees
11 or in agriculture for any workweek in which the
12 individual is engaged in coffee harvesting;

13 (3) In or about the home of the individual's employer:

14 (A) In domestic service on a casual basis; or

15 (B) Providing companionship services for the aged or
16 infirm;



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



1 (10) As a golf caddy;

2 (11) By a nonprofit school during the time such individual
3 is a student attending such school;

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



workweek; except that the employee's regular rate in such an event shall be the employee's regular rate as determined under the Fair Labor Standards Act;

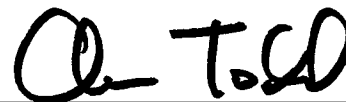
(13) As a seasonal youth camp staff member in a resident situation in a youth camp sponsored by charitable, religious, or nonprofit organizations exempt from income tax under section 501 of the federal Internal Revenue Code or in a youth camp accredited by the American Camping Association; or

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

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

SECTION 3. This Act shall take effect on January 1, 2023.

INTRODUCED BY:



JAN 25 2022



H.B. NO. 2224

Report Title:

Labor; Employee; Overtime Pay; DLIR

Description:

Increases the income threshold that excludes certain employees from overtime pay. Effective 1/1/2023.

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