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## A BILL FOR AN ACT

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RELATING TO WAGE AND HOURS OF EMPLOYEES ON PUBLIC WORKS.

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

1       SECTION 1. The legislature finds that existing law  
2 prohibits laborers and mechanics from working on Saturdays,  
3 Sundays, and state holidays, on certain state public work job  
4 sites unless the laborer or mechanic receives overtime  
5 compensation for all hours worked that day.

6       The legislature further finds that due to this overtime  
7 compensation requirement, contractors refrain from scheduling  
8 work for workers on Saturdays, Sundays, and state holidays, even  
9 when the workers were prevented from working forty hours that  
10 week due to conditions and circumstances beyond the contractor's  
11 control. This practice deprives workers from receiving full-pay  
12 during that week while unnecessarily delaying the completion of  
13 the public project.

14       The purpose of this Act is to exempt from the overtime  
15 compensation requirement Saturdays of a week during which a  
16 condition or circumstance beyond the control of the contractor  
17 prevented workers from working for eight hours on one or more of



1 the regularly scheduled Monday through Friday workdays and the  
2 total hours of work performed by the worker on the project  
3 during the workweek has not exceeded forty hours.

4 SECTION 2. Section 104-2, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) No laborer or mechanic employed on the job site of  
7 any public work of the State or any political subdivision  
8 thereof shall be permitted or required to work on Saturday,  
9 Sunday, or a legal holiday of the State or in excess of eight  
10 hours on any other day unless the laborer or mechanic receives  
11 overtime compensation for all hours worked on Saturday, Sunday,  
12 and a legal holiday of the State or in excess of eight hours on  
13 any other day[-]; provided that this subsection shall not apply  
14 to a Saturday of a week during which a condition or circumstance  
15 beyond the control of the person employing the laborer or  
16 mechanic, including bad weather, equipment breakdown, power  
17 failure, and accidents that resulted in a fatality, prevented  
18 the laborer or mechanic from working for eight hours on one or  
19 more of the regularly scheduled Monday through Friday workdays  
20 and the total hours of work performed on the project during the  
21 workweek by the laborer or mechanic has not exceeded forty



1 hours; provided further that the rate of compensation for that  
2 Saturday shall be the basic hourly rate for the first eight  
3 hours of work or until the total hours worked during the week  
4 reaches forty hours, whichever occurs first, and thereafter the  
5 applicable rate for overtime compensation shall apply. The rate  
6 for overtime compensation and any other premium rates of pay  
7 shall be those rates specified in an applicable collective  
8 bargaining agreement when the basic hourly rate is established  
9 by a collective bargaining agreement.

10 For purposes of determining overtime compensation under  
11 this subsection, the basic hourly rate of any laborer or  
12 mechanic shall not be less than the basic hourly rate determined  
13 by the director to be the prevailing basic hourly rate for  
14 corresponding classes of laborers and mechanics on projects of  
15 similar character in the State."

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

18 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY: 

JAN 26 2022



**Report Title:**

Wage and Hours; Employees on Public Works; Overtime Compensation Requirement; Exception

**Description:**

Creates an exception to the statute requiring that overtime compensation be paid for work performed for certain State public work projects on Saturdays, Sundays, and State holidays. Specifically, overtime compensation is not required for work performed on a Saturday of a week during which a condition or circumstance beyond the control of the contractor prevented workers from working for eight hours on one or more of the regularly scheduled Monday through Friday workdays, and the total hours of work performed on the project during the workweek by the worker has not exceeded forty hours.

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