
A BILL FOR AN ACT

RELATING TO THE WAGE AND HOUR LAW.

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 or more~~
7 ~~a month, whether paid weekly, biweekly, or monthly;~~

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

12 ~~(3)]~~ (2) In or about the home of the individual's
13 employer:

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

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



1 ~~[(8)]~~ (7) On a ship or vessel and who has a Merchant
2 Mariners Document issued by the United States Coast
3 Guard;

4 ~~[(9)]~~ (8) As a driver of a vehicle carrying passengers for
5 hire operated solely on call from a fixed stand;

6 ~~[(10)]~~ (9) As a golf caddy;

7 ~~[(11)]~~ (10) By a nonprofit school during the time ~~[such]~~
8 that the individual is a student attending ~~[such]~~ the
9 school;

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



1 apply in respect to the [~~employees~~] employee for
2 [~~such~~] that workweek; provided further that if the
3 maximum workweek established for the employee under
4 the Fair Labor Standards Act for the purposes of
5 overtime compensation is higher than the maximum
6 workweek established under section 387-3, then section
7 387-3 shall apply in respect to [~~such~~] the employee
8 for [~~such~~] that workweek; except that the employee's
9 regular rate in [~~such-an~~] that event shall be the
10 employee's regular rate as determined under the Fair
11 Labor Standards Act;

12 [~~(13)~~] (12) As a seasonal youth camp staff member in a
13 resident situation in a youth camp sponsored by
14 charitable, religious, or nonprofit organizations
15 exempt from income tax under section 501 of the
16 federal Internal Revenue Code or in a youth camp
17 accredited by the American Camping Association; or

18 [~~(14)~~] (13) As an automobile salesperson primarily engaged
19 in the selling of automobiles or trucks if employed by
20 an automobile or truck dealer licensed under chapter
21 437."



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

3 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Wage and Hour Law; Employee; Guaranteed Compensation; Employer Recordkeeping

Description:

Amends the definition of "employee" in Hawaii's wage and hour law by repealing the definition's categorical exclusion of any employee who receives guaranteed compensation totaling \$2,000 or more a month. Effective 7/1/3000. (HD1)

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