A BILL FOR AN ACT

RELATING TO THE WAGE AND HOUR LAW.

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

1	SECT	ION 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 s	shall not include any individual employed:		
6	(1)	[At a	guaranteed compensation totaling \$2,000 or more		
7		a mo r	th, whether paid weekly, biweekly, or monthly;		
8	(2)]	In aç	riculture for any workweek in which the employer		
9		of th	e individual employs less than twenty employees		
10		or in	agriculture for any workweek in which the		
11		indiv	ridual is engaged in coffee harvesting;		
12	[(3)]	(2)	In or about the home of the individual's		
13		emplo	yer:		
14		(A)	In domestic service on a casual basis; or		
15		(B)	Providing companionship services for the aged or		
16			infirm;		

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1	[-(4)-]	(3) 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)]	(4) By the individual's [brother, sister, brother-in-
6		law, sister-in-law, son, daughter, sibling,
7		sibling-in-law, child, spouse, parent, or
8		<pre>parent-in-law;</pre>
9	[-(6)-]	(5) In a bona fide executive, administrative,
10		supervisory, or professional capacity or in the
11		capacity of outside salesperson or as an outside
12		collector;
13	[-(7)]	(6) In the propagating, catching, taking, harvesting,
14		cultivating, or farming of any kind of fish,
15		shellfish, crustacean, sponge, seaweed, or other
16		aquatic forms of animal or vegetable life, including
17		the going to and returning from work and the loading
18		and unloading of [such] those products [prior to]
19		before first processing;

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1	[(8)]	(/) 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

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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)

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