

ACT 17

A Bill for an Act Relating to the Payment of Wages Lost Because of Service on Juries, Boards and Commissions.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an emergency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 267, Session Laws of Hawaii 1965, was enacted to benefit all employees in Hawaii called to serve on juries, boards and commissions. The statutory language requiring employers to make up all wages lost because of such public service, however, was placed in chapter 94 of the Revised Laws of Hawaii 1955. This technicality defeated the intent of the Legislature to benefit all employees in Hawaii since employees covered by the federal Fair Labor Standards Act are exempted from coverage by chapter 94. Because most employees of large employers are covered by the federal law, this drastically limited the coverage of Act 267 and very few employees have benefited from the legislation.

It is necessary and urgent that the legislature correct the error above and restore the intent of the legislature in passing Act 267.

SECTION 2. Act 267, Session Laws of Hawaii 1965, is hereby repealed.

SECTION 3. Chapter 95, Revised Laws of Hawaii 1955, 1963 Supplement is hereby amended as follows:

a. The title of the chapter is amended to read:

“WAGES AND OTHER COMPENSATION, PAYMENT OF.”

b. Sections 95-1 through 95-13 are hereby designated as Part I.

c. The following is hereby added:

“PART II

Section 95-25. Definitions. As used in this part:

a. ‘Public board’ or ‘commission’ means a governmental body, whether designated as a board or a commission, duly created under authority vested by law for the purposes of performing quasi-judicial, administrative or advisory functions.

b. ‘Service on a public board’ means attendance at a scheduled meeting of a public board by a person in his capacity as a duly appointed or elected member of such public board.

c. ‘Service on a jury’ includes appearance at a place as required by a summons or other directive issued by a court in connection with jury service.

Section 95-26. Compensation for wages lost because of service on jury or public board. (a) Notwithstanding any law to the contrary, every employer shall pay to each of his employees who serves on a jury or a public board compensation in an amount equal to the difference between the remuneration such employee receives for such service on a jury or a public board and the wages and any other remuneration he would have received from his employer had he not served on such jury or public board.

(b) Subsection (a) of this section shall not apply if an employer, on any day any of his employees serves on a jury or a public board, has less than twenty-five persons in his employment. For the purposes of this subsection a person shall be deemed to be in employment so long as an employment relationship exists between such person and his employer irrespective of the absence of such person from his place of employment.

Section 95-27. Other applicable provisions. Sections 95-1 through 95-13 shall be applicable to this part and the terms ‘wages’ and ‘compensation’ used in said sections shall include all compensation payable under this part.”

SECTION 4. This Act shall take effect upon its approval.
(Approved April 5, 1966.) **H.B. 191.**