
A BILL FOR AN ACT

RELATING TO WAGES AND HOURS ON PUBLIC WORKS.

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

1 SECTION 1. Section 104-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "overtime compensation" to
3 read as follows:

4 "Overtime compensation" means compensation based on not
5 less than one and one-half times the laborers or mechanics basic
6 hourly rate of pay plus the cost to an employer of furnishing a
7 laborer or mechanic with fringe benefits as described in the
8 definition of "wages" [-]; provided that if the department
9 determines that a prevailing wage is defined by a collective
10 bargaining agreement, the overtime compensation shall be at the
11 rates set by the applicable collective bargaining agreement."

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

14 "(c) No laborer or mechanic employed on the job site of
15 any public work of the State or any political subdivision
16 thereof shall be permitted or required to work on Saturday,
17 Sunday, or a legal holiday of the State or in excess of eight
18 hours on any other day unless the laborer or mechanic receives



1 overtime compensation for all hours worked on Saturday, Sunday,
2 and a legal holiday of the State or in excess of eight hours on
3 any other day. The rate for overtime compensation and any other
4 premium rates of pay shall be those rates specified in an
5 applicable collective bargaining agreement when the basic hourly
6 rate is established by a collective bargaining agreement.

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

13 SECTION 3. Section 444-16.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§444-16.5 Bond. The contractors license board may
16 require each licensee, applicant, individual or corporate, who
17 is a specialty contractor to put up bond in the sum of not less
18 than \$5,000 executed by the licensee or applicant as principal
19 and by a surety company authorized to do business in the State
20 as surety.



1 The board may require each licensee, applicant, individual
2 or corporate, who is a general contractor to put up a bond in
3 the sum of not less than \$5,000 executed by the licensee or
4 applicant as principal and by a surety company authorized to do
5 business in the State as surety.

6 The board, in exercising its discretion, shall take into
7 consideration the licensee's or applicant's financial condition
8 and experience in the field.

9 The bond shall be in [~~such~~] a form as the board may
10 prescribe, conditioned upon the payment of wages, as defined in
11 section [~~104-1(7)~~], 104-1, to the employees of the contractor
12 or any other person or entity entitled to [~~such~~] wages when due,
13 and giving employees or any other person or entity entitled to
14 [~~such~~] wages who have not been paid a right of action on the
15 bond in their own names; and upon the honest conduct of the
16 business of the licensee, and upon the right of any person
17 injured or damaged by any wrongful act of the licensee to bring
18 an action on the bond; provided that any claim for wages shall
19 have priority over all other claims."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2015.



Report Title:

Overtime Compensation; Public Works

Description:

Allows overtime compensation on public works projects to exceed time and one-half and specifies that if the Department of Labor and Industrial Relations determines that a prevailing wage is defined by collective bargaining, overtime will be at rates set by the applicable collective bargaining agreement. Specifies that overtime compensation and other premium pay rates are those rates specified in an applicable collective bargaining agreement when the basic hourly rate is established by a collective bargaining agreement. (HB391 CD1)

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