
A BILL FOR AN ACT

RELATING TO LABOR.

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

1 SECTION 1. The purpose of this Act is to include work
2 performed by utility workers for the construction of public work
3 projects under the wages and hours of employees on public works
4 law.

5 SECTION 2. Section 104-1, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By adding a new definition to be appropriately inserted
8 and to read:

9 "Utility work" means:

10 (1) Construction completed by workers in the electric,
11 natural gas, water, sewer, and other utility
12 industries;

13 (2) Activities performed by workers in the electric,
14 natural gas, water, sewer, and other utility
15 industries; provided that the activity is an integral
16 part of or in conjunction with a construction
17 contract; or



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1 (3) Substantial construction activities performed by
2 workers in the electric, natural gas, water, sewer,
3 and other utility industries in a supply, service, or
4 other type of non-construction contract."

5 2. By amending the definition of "construction" to read:
6 "Construction" includes alteration, repair, painting,
7 ~~and~~ decorating[-], and utility work."

8 SECTION 3. Section 104-2, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 (b) Every laborer and mechanic performing work, including
11 utility work, on the job site for the construction of any public
12 work project shall be paid no less than prevailing wages;
13 provided that:

14 (1) The prevailing wages shall be established by the
15 director as the sum of the basic hourly rate and the
16 cost to an employer of providing a laborer or mechanic
17 with fringe benefits. In making prevailing wage
18 determinations, the following shall apply:

19 (A) The director shall make separate findings of:
20 (i) The basic hourly rate; and



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1 (ii) The rate of contribution or cost of fringe
2 benefits paid by the employer when the
3 payment of the fringe benefits by the
4 employer constitutes a prevailing practice.
5 The cost of fringe benefits shall be
6 reflected in the wage rate scheduled as an
7 hourly rate; and

8 (B) The rates of wages which the director shall
9 regard as prevailing in each corresponding
10 classification of laborers and mechanics shall be
11 the rate of wages paid to the greatest number of
12 those employed in the State, the modal rate, in
13 the corresponding classes of laborers or
14 mechanics on projects that are similar to the
15 contract work;

16 (2) Except for the project prevailing wages established by
17 subsections (h) and (i), the prevailing wages shall be
18 not less than the wages payable under federal law to
19 corresponding classes of laborers and mechanics
20 employed on public works projects in the State that



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1 are prosecuted under contract or agreement with the
2 government of the United States; and
3 (3) Notwithstanding the provisions of the original
4 contract, the prevailing wages shall be periodically
5 adjusted during the performance of the contract in an
6 amount equal to the change in the prevailing wage as
7 periodically determined by the director."

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

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____



JAN 22 2018



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Report Title:

Prevailing Wage; Utility Worker; Construction; Public Works

Description:

Defines utility work, amends the definition of construction, and amends the wages and hours of employees on public works law to include certain activities performed by workers in electric, natural gas, water, sewer, and other utility industries.

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