
A BILL FOR AN ACT

RELATING TO WAGES.

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

1 SECTION 1. Section 104-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Every laborer and mechanic performing work on the job
4 site for the construction of any public work project shall be
5 paid no less than prevailing wages; provided that:
6 (1) The prevailing wages shall be established by the
7 director as the sum of the basic hourly rate and the
8 cost to an employer of providing a laborer or mechanic
9 with fringe benefits. In making prevailing wage
10 determinations, the following shall apply:
11 (A) The director shall make separate findings of:
12 (i) The basic hourly rate; and
13 (ii) The rate of contribution or cost of fringe
14 benefits paid by the employer when the
15 payment of the fringe benefits by the
16 employer constitutes a prevailing practice.
17 The cost of fringe benefits shall be



1 reflected in the wage rate scheduled as an
2 hourly rate; and

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

11 provided that the foreman classification shall be
12 recognized and follow the requirements stated in the
13 collective bargaining agreement when the basic hourly
14 rate is established by a collective bargaining
15 agreement;

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



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 2. This Act shall not be applied as to impair any
9 contract existing as of the effective date of this Act in a
10 manner violative of either the Hawaii State Constitution or
11 Article I, section 10, of the United States Constitution.

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. If any part of this Act is found to be in
16 conflict with federal requirements that are a prescribed
17 condition for the allocation of federal funds to the State, the
18 conflicting part of this Act is inoperative solely to the extent
19 of the conflict and with respect to the agencies directly
20 affected, and this finding does not affect the operation of the
21 remainder of this Act in its application to the agencies



H.B. NO. 34

1 concerned. The rules under this Act shall meet federal
 2 requirements that are a necessary condition to the receipt of
 3 federal funds by the State.

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, 2019.

7

INTRODUCED BY: James John

State of Me.

Disability

Bill

2019

JAN 16 2019



H.B. NO. 34

Report Title:

Laborers; Mechanics; Prevailing Wages; Collective Bargaining Agreement; Foremen Classification; Little Davis-Bacon Act

Description:

Requires that the foreman classification be recognized in Hawaii's Davis-Bacon Act and the requirements in the collective bargaining agreement followed when the basic hourly rate is established by a collective bargaining agreement.

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