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# 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 further that the foreperson classification  
12 shall be recognized as a separate wage classification  
13 for public works projects and follow the requirements  
14 stated in the collective bargaining agreement when the  
15 basic hourly rate is established by a collective  
16 bargaining agreement, if an organization with a  
17 collective bargaining agreement chooses to have the  
18 foreperson classification recognized as a separate  
19 wage classification for public works projects within  
20 its respective trade through the submission of its  
21 individual collective bargaining agreement and by a



1           specific request from that organization to have the  
2           foreperson classification recognized as a separate  
3           wage classification for public works projects within  
4           its respective trade;

5           (2) Except for the project prevailing wages established by  
6           subsections (h) and (i), the prevailing wages shall be  
7           not less than the wages payable under federal law to  
8           corresponding classes of laborers and mechanics  
9           employed on public works projects in the State that  
10          are prosecuted under contract or agreement with the  
11          government of the United States; [~~and~~]

12          (3) Notwithstanding the provisions of the original  
13          contract, the prevailing wages shall be periodically  
14          adjusted during the performance of the contract in an  
15          amount equal to the change in the prevailing wage as  
16          periodically determined by the director[~~-~~]; and

17          (4) For the purposes of this subsection, "foreperson"  
18          means a skilled person employed to supervise personnel  
19          who work in the areas of construction."



1 SECTION 2. 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 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on January 1, 2051.



**Report Title:**

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

**Description:**

Determines the procedures for when the foreperson classification shall be recognized in Hawaii's Davis-Bacon Act and the requirements in the collective bargaining agreement be followed when the basic hourly rate is established by a collective bargaining agreement. (SB1475 HD1)

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