

STAND. COM. REP. NO.

1142

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 391  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 391, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WAGES AND HOURS ON PUBLIC  
WORKS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the  
prevailing wage law to allow for payment of overtime on public  
works projects in excess of time and a half. This measure also  
authorizes overtime rates in prevailing collective bargaining  
agreements to apply to the wage rate schedule and thereby provide  
a level playing field between union and non-union contractors.

Your Committee received testimony in support of this measure  
from the Department of Labor and Industrial Relations and Hawaii  
Construction Alliance. Your Committee received comments on this  
measure from the General Contractors Association of Hawaii.

Your Committee finds that this measure would have the  
practical effect of setting the floor for overtime pay on public  
works projects at time and a half. This measure also recognizes  
situations in which an overtime rate greater than time and a half  
may have been collectively bargained for.

Your Committee has amended this measure by:



- (1) Clarifying that a prevailing wage may be "defined by" rather than "subject to" a collective bargaining agreement; and
- (2) Clarifying that a basic hourly rate can be established "by" rather than "in" a collective bargaining agreement.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 391, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

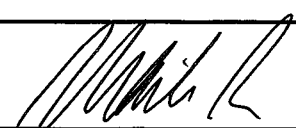
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:	Committee Referral:	Date:		
HB 391 HD1	JDL, WAM	3/24/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.			✓	
SLOM, Sam				✓
<b>TOTAL</b>	5	0	1	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one measure per Record of Votes