

---

---

# A BILL FOR AN ACT

RELATING TO WAGES AND HOURS ON PUBLIC WORKS LAW.

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

1 SECTION 1. Section 104-22, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§104-22 Investigation; penalties. (a) The department  
4 may conduct investigations to determine compliance with this  
5 chapter. The department may enter the job site, examine records  
6 of any contractor, either during or after the performance of any  
7 contract, or subpoena the records. The department may also  
8 interview employees during working hours on the job.

9 (b) If any contractor interferes with or delays any  
10 investigation by the department, the governmental contracting  
11 agency, on receipt of written notice from the director of the  
12 interference or delay, shall withhold from the contractor all  
13 further payments until the director has notified the  
14 governmental contracting agency in writing that the interference  
15 or delay has ceased. Interference or delay includes failure to  
16 provide requested records under section 104-3; failure to allow  
17 employees to be interviewed during working hours on the job; and  
18 falsification of records required under this chapter. The



1 department shall assess a penalty of \$10,000 per project for  
2 interference or delay. For each day thereafter that the  
3 employer fails to cooperate, the director shall assess a penalty  
4 of \$1,000 per project.

5 (c) The names of all complainants shall be withheld from  
6 the employer unless prior permission is given by the complainant  
7 to release the complainant's name."

8 SECTION 2. Section 104-28, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10 "(d) When a written request is filed by any laborer or  
11 mechanic with the director claiming unpaid wages or overtime  
12 compensation under this chapter, the director, after receiving  
13 an assignment from the laborer or mechanic, may bring an action  
14 in any court of competent jurisdiction to recover the amount of  
15 the claim. The consent of any laborer or mechanic to the  
16 bringing of such action by the director, unless the action is  
17 dismissed without prejudice on motion of the director, shall  
18 constitute a waiver by the laborer or mechanic of any right of  
19 action the laborer or mechanic may have under subsection (a).  
20 Any amount recovered by the director before suit and accepted by  
21 the laborer or mechanic as payment in full shall constitute a



1 waiver of any rights under this chapter. No written request  
2 shall be accepted by the director after the expiration of three  
3 years from the date the wages or overtime compensation are due  
4 and payable. The scope of the investigation by the director  
5 shall be limited to the three-year period preceding the filing  
6 of the written request."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2015.



**Report Title:**

Public Works Law; Complaints

**Description:**

Ensures confidentiality of a complainant in an investigation of wage and hour violations for public works projects. Provides three year time limit to file claim for overtime wages and limits investigation to three year period preceding the filing of a written claim. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

