
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 an
13 assignment from the laborer or mechanic, may bring an action in
14 any court of competent jurisdiction to recover the amount of the
15 claim. The consent of any laborer or mechanic to the bringing
16 of such action by the director, unless the action is dismissed
17 without prejudice on motion of the director, shall constitute a
18 waiver by the laborer or mechanic of any right of action the
19 laborer or mechanic may have under subsection (a). Any amount
20 recovered by the director before suit and accepted by the
21 laborer or mechanic as payment in full shall constitute a waiver



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

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act, upon its approval, shall take effect
9 on January 7, 2059.

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Report Title:

Public Works Law; Complaints; Investigations; Filing; Claim

Description:

Requires laborers and mechanics working on public works to file complaints within three years of the date the payment was due and ensure confidentiality of the complainant. Effective January 7, 2059. (SD1)

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

