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# A BILL FOR AN ACT

RELATING TO WAGE AND HOUR LAW.

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

1           SECTION 1. Section 387-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "employee" to read as  
3 follows:

4           "Employee" includes any individual employed by an  
5 employer, but shall not include any individual employed:

6           (1) At a guaranteed compensation totaling [~~\$2,000~~] \$2,400  
7 or more a month, whether paid weekly, biweekly, or  
8 monthly;

9           (2) In agriculture for any workweek in which the employer  
10 of the individual employs less than twenty employees  
11 or in agriculture for any workweek in which the  
12 individual is engaged in coffee harvesting;

13           (3) In or about the home of the individual's employer:

14           (A) In domestic service on a casual basis; or

15           (B) Providing companionship services for the aged or  
16 infirm;



- 1 (4) As a house parent in or about any home or shelter  
2 maintained for child welfare purposes by a charitable  
3 organization exempt from income tax under section 501  
4 of the federal Internal Revenue Code;
- 5 (5) By the individual's brother, sister, brother-in-law,  
6 sister-in-law, son, daughter, spouse, parent, or  
7 parent-in-law;
- 8 (6) In a bona fide executive, administrative, supervisory,  
9 or professional capacity or in the capacity of outside  
10 salesperson or as an outside collector;
- 11 (7) In the propagating, catching, taking, harvesting,  
12 cultivating, or farming of any kind of fish,  
13 shellfish, crustacean, sponge, seaweed, or other  
14 aquatic forms of animal or vegetable life, including  
15 the going to and returning from work and the loading  
16 and unloading of such products prior to first  
17 processing;
- 18 (8) On a ship or vessel and who has a Merchant Mariners  
19 Document issued by the United States Coast Guard;
- 20 (9) As a driver of a vehicle carrying passengers for hire  
21 operated solely on call from a fixed stand;



- 1 (10) As a golf caddy;
- 2 (11) By a nonprofit school during the time such individual
- 3 is a student attending such school;
- 4 (12) In any capacity if by reason of the employee's
- 5 employment in such capacity and during the term
- 6 thereof the minimum wage which may be paid the
- 7 employee or maximum hours which the employee may work
- 8 during any workweek without the payment of overtime,
- 9 are prescribed by the federal Fair Labor Standards Act
- 10 of 1938, as amended, or as the same may be further
- 11 amended from time to time; provided that if the
- 12 minimum wage which may be paid the employee under the
- 13 Fair Labor Standards Act for any workweek is less than
- 14 the minimum wage prescribed by section 387-2, then
- 15 section 387-2 shall apply in respect to the employees
- 16 for such workweek; provided further that if the
- 17 maximum workweek established for the employee under
- 18 the Fair Labor Standards Act for the purposes of
- 19 overtime compensation is higher than the maximum
- 20 workweek established under section 387-3, then section
- 21 387-3 shall apply in respect to such employee for such



1 workweek; except that the employee's regular rate in  
2 such an event shall be the employee's regular rate as  
3 determined under the Fair Labor Standards Act;

4 (13) As a seasonal youth camp staff member in a resident  
5 situation in a youth camp sponsored by charitable,  
6 religious, or nonprofit organizations exempt from  
7 income tax under section 501 of the federal Internal  
8 Revenue Code or in a youth camp accredited by the  
9 American Camping Association; or

10 (14) As an automobile salesperson primarily engaged in the  
11 selling of automobiles or trucks if employed by an  
12 automobile or truck dealer licensed under chapter  
13 437."

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act, upon its approval, shall take effect  
17 on January 1, 2021.



**Report Title:**

Wage and Hour Law; Minimum Compensation Exemption

**Description:**

Increases the amount of guaranteed monthly compensation required to exempt an individual from minimum wage, overtime, and record keeping requirements under the Hawaii Wage and Hour Law. (HB953 HD1)

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

