

☉ WAGE AND HOUR LAW (*HOURS AND OVERTIME*)

STATUTORY CITATION: Haw. Rev. Stat. §§ 387-1 – 387-15

GENERAL SUMMARY: The state wage and hour law prohibits the employment of most workers in Hawaii for a workweek longer than 40 hours unless such workers are paid overtime compensation at a rate no less than 1¹/₂ times the regular rate of pay for every hour of employment in excess of the 40-hour limit.

PROVISIONS APPLICABLE TO AGRICULTURE

TOTAL EXEMPTION — The wage and hour law (and thus the overtime pay requirement) **does not apply** to any individual employed in agriculture for any workweek in which the worker's employer has fewer than 20 employees, or the worker is engaged in coffee harvesting.

PARTIAL EXEMPTION — An employer who is engaged in agriculture, or in the first processing, canning or packing of any agricultural commodity, is not required to pay overtime compensation for hours in excess of 40 in a workweek to any of its employees during any 20 workweeks selected by the employer in any yearly period commencing July 1. During those 20 weeks of exemption, however, the employer must pay overtime for hours in excess of 48 hours at the rate of 1¹/₂ times the covered workers' regular rate of pay.

FULL OVERTIME COVERAGE — Except with respect to coffee harvesters and during the 20 weeks during which such employers are exempt as outlined above, agricultural employers who employ 20 or more workers in a workweek are required to pay their workers in that workweek at least 1¹/₂ times their regular pay rate for every hour of work in excess of 40.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage Standards Division, Department of Labor and Industrial Relations, Honolulu, Hawaii 96813 (808-586-8777)*. It is the duty of this agency to assure compliance with the overtime requirements of the wage and hour law. In that capacity, the Department is authorized to enter any workplace in the state to inspect payroll records, question workers, and take other steps to investigate specific complaints or suspected violations. Any worker who has not received overtime pay in accordance with these provisions may file a claim with any district office of the Department. Employers who fail to pay required overtime are liable to the employee or employees affected in the amount of the unpaid compensation, and, in the case of a willful violation, in an equal amount as liquidated damages. Such employers are also subject to criminal fines and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — As an alternative to administrative enforcement by the Department, a worker has the right to take direct civil action against an employer to recover unpaid wages and damages under the wage and hour law, utilizing a private attorney or public legal service provider.