
Department of Labor & Industrial Relations
WAGE STANDARDS DIVISION
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WHAT DOMESTIC SERVICE WORKERS NEED TO KNOW ABOUT

MINIMUM WAGE AND OVERTIME

as of July, 1, 2013

(WAGE AND HOUR LAW, Chapter 387, Hawaii Revised Statutes)

- Must be paid at least **MINIMUM WAGE**, \$7.25
- Must be paid **OVERTIME** compensation for hours worked over 40 per work week.



WHO IS A DOMESTIC SERVICE WORKER?

- Domestic services are defined under Section 387-1, Hawaii Revised Statutes as services of a household nature performed by an employee in or about a private home (permanent or temporary) of the person by whom he or she is employed. The term includes, but is not limited to, services performed by employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, and chauffeurs of automobiles for family use. The term also includes babysitters whose employment is not on a casual basis.
- Casual basis for domestic service workers means working intermittently or irregularly and less than 20 hours a week.
- Employees of private companies providing domestic services have always been protected by minimum wage and overtime laws.

PAYMENT OF WAGES LAW

PAYMENT OF WAGES AND OTHER COMPENSATION LAW (Chapter 388, Hawaii Revised Statutes)

- Must be paid at least twice a month, and within 7 days after the end of the pay period
- Must be paid by cash or checks convertible to cash on demand; payment with debit cards allowed only if voluntary and no fee is charged to employee to ensure the receipt of full wages
- Must include a detailed pay statement with total hours worked, amount paid, wage rate, pay period, and reasons and amounts of any withholding, along with employer name and address

PAYMENT OF WAGES LAW continued

- For employees who are **discharged**, wages are to be paid in full on the date of discharge, or if not possible, no later than the next work day
- For employees who **quit**, wages are to be paid in full on the next regularly scheduled payday

Withholding from an employee's wages are not allowed for:

- Fines
- Cash shortages in a shared or common money till
- Fines, penalties, or replacement cost for breakage
- Losses due to faulty workmanship, lost or stolen property, damage to property, default of customer credit or nonpayment for goods or services received by customer, unless such losses are due to the willful or intentional disregard of employer's interest

Employer provided Benefits:

- **Vacation, sick leave and holidays** are **NOT** required by law, but if provided, must be in writing and issued to employees or posted in an accessible place
- **Breaks** are **NOT** required by law, except for 14 and 15 years old minors

Record Keeping: Keep employee payroll records for six years.

CHILD LABOR LAW

Requirements for the certification of working minors under age 18 **prior to** the start of employment: (**Chapter 390, Hawaii Revised Statutes**)

- **14 -15 years old:** Must obtain a certificate per job and employer (form available online). Minors must not work during school hours, and not after 7 p.m. on a school night, and not after 9 p.m. on during school breaks. Minors are prohibited from working with power tools and equipment or in hazardous occupations or environments.
- **16 -17 years old:** Must obtain a certificate of age card. Minors must not work during school hours, and must not work with certain power tools and equipment, or in hazardous occupations or environments. Employer must record certificate number and check minor's proof of age document. Minor can obtain certificate on-line at website.

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