

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
WAGE STANDARDS DIVISION

**SITUATIONAL QUESTIONS AND ANSWERS RELATING TO  
CHAPTER 104, HAWAII REVISED STATUTES (HRS)**

September 2014

1. Cement mixing situation: On a public construction project site a laborer mixes some cement for a mason.

Question: Is the laborer subject to laborer wages or mason?

Answer: A Laborer I or Mason may mix concrete.

2. Concrete truck situation: A concrete mixing truck is delivering cement to a public construction project jobsite. The truck breaks down onsite during the delivery. A mechanic is sent to do the repairs.

Question: Is the mechanic subject to prevailing wages?

Answer: If the supplier's truck breaks down and the supplier provides a mechanic to repair the truck, the mechanic is not covered under Chapter 104, HRS. However, if the contractor's mechanic assists in the repair, the contractor's mechanic is covered under Chapter 104, HRS.

3. Fueling and greasing of equipment situation: A rented piece of heavy equipment sits on a public construction project site. In the morning, a worker comes by to fuel and grease the machine. Time on site is approximately 30 minutes.

Question: Is the worker subject to prevailing wages?

Answer: In this situation, the worker is in a fuel service truck and goes from job to job to just add fuel and oil to the equipment then leaves, the worker is not covered under Chapter 104, HRS, when one of the stops is on a public construction project. However, if the worker does any construction work in addition to the fueling, the worker would be covered under Chapter 104, HRS.

4. Office trailer situation: An office trailer is staged on a public construction project jobsite. The office air conditioner breaks down and a technician is sent to repair the air conditioner.

Question: Is the technician subject to prevailing wages?

Answer: Yes.

5. Operator of forklift situation: A carpenter works on a public construction project jobsite. The carpenter (certified to operate a forklift), operates the forklift to load and return with some materials from the adjacent stock yard.

Question: Will the carpenter need to be paid as a forklift operator or can he continue to be paid as a carpenter?

Answer: The proper classification for the operation of the forklift between the stock yard and the area where the building is erected is Equipment Operator. The Group number would depend on the size/type of forklift. This answer assumes the "stock yard" is on the project site or a dedicated site adjacent to the project site.

6. Operator of forklift situation: A mason works on a public construction project jobsite. The mason (certified to operate a forklift), operates the forklift to move some blocks used for the masons work.

Question: Is the mason required to be paid as an operator or as a mason?

Answer: The proper classification for the operation of the forklift is Equipment Operator.

7. Operator of forklift situation: A laborer works on a public construction project jobsite. The laborer operates the forklift to bring concrete blocks for the mason.

Question: Is the laborer subject to operator wages?

Answer: Yes, see response to 6.

8. Operator of forklift situation: – A truck driver delivers some lumber to a public construction project jobsite. He unloads it by his truck. It is in the wrong place. The driver again operates a forklift to move the lumber closer to the building while still onsite.

Question: Is the driver subject to prevailing wages for the move?

Answer: Yes.

9. Pickup truck situation: A pickup truck is used on the public construction project jobsite and breaks down on the site. A mechanic is sent to repair the truck.

Question: Is the mechanic subject to prevailing wages?

Answer: Yes, if the repair is performed on the job site.

10. Repairs to rented equipment situation: A jobsite equipment (forklift, excavator, etc.), is rented and the equipment blows a hydraulic hose or part. A mechanic is sent to replace the part or make repairs to the equipment and the approximate time onsite is ½ to 1 hour.

a. Question: Is the mechanic subject to prevailing wages?

Answer: Mechanics who repair equipment on a State or county public works construction job site are covered under the law.

b. Question: Is travel time to and from the jobsite subject to prevailing wages?

Answer: Under Section 12-22-1.1(a), Hawaii Administrative Rules, the law is applicable, but not limited to, transporting of materials, supplies, or equipment (1) to or from a public work site, or (2) between a public work site and either another public work site or a dedicated site, when performed by a laborer or mechanic employed at the public work site. In the situation described, the worker must be paid the prevailing wages for all hours worked, including the travel time for transporting materials, supplies, or equipment to and from the job site. Therefore, if the truck that the mechanic travels in to/from the job site is used on the job site, or if the mechanic is transporting tools and/or equipment used on the job site, the travel time is covered under the law.

11. Repairs to rented equipment situation: A forklift is used on the jobsite and has a flat tire. A tire repair company comes out to repair the flat tire.

Question: Is the tire technician subject to prevailing wages?

Answer: An employee of a tire repair company who repairs the tire on a State or county public works construction job site is covered under the law.

12. Repairs to equipment situation: A nail gun is used on a public construction project jobsite. The nail gun loses its trigger and a mechanic is sent from the office to replace the trigger. Time on site to complete the repair is 15 minutes.

Question: Is the mechanic subject to prevailing wages?

Answer: Yes, see response to 10.a.

13. Wheel barrow (use of equipment) situation: A laborer moves some cement from the truck to a hole on the jobsite.

Question: Is the laborer subject to laborer wages or mason?

Answer: A Laborer may operate a wheelbarrow to move concrete. If it is a motorized wheelbarrow, the proper classification is Laborer I. If a masonry project the classification could be a Mason.