

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Department of Labor and Industrial Relations, Wage Standards Division will hold a public hearing to address proposed amendments to Hawaii Administrative Rules, Title 12, Chapter 22, relating to wage determinations and the administration and enforcement of Chapter 104, Hawaii Revised Statutes (HRS). The notice and public hearing are pursuant to Wages and Hours of Employees on Public Works Law, Section 104-29, HRS, and Chapter 91, HRS.

The proposed rule amendments will: (1) bring the rules in line with statute changes; (2) provide new rules for new statutes; and (3) modify the rules to improve the administration and enforcement of the law including:

1. Subchapter 1, Administration and Enforcement; repeals the exemption for warranty work done by the manufacturer; clarifies that the employer's cost of prepaid health care is an allowable fringe benefit; defines "falsification"; addresses the asphalt paving industry of delivering paving materials to spreader box trucks; amends the method of calculation of prevailing wages and deletes the definition of "average rate"; adds the method of calculation of overtime compensation; amends that appeals of a classification determination go to a hearings officer appointed by the director, not the Labor and Industrial Relations Appeals Board; clarifies certified payroll and record keeping requirements;
2. Subchapter 2, Penalty for Violations; conforms the penalty provisions to be consistent with the current statutes;
3. Subchapter 3, Hearing of Appeal; new subchapter with proposed procedures and requirements for an administrative hearing of appeals of a notification of violation, under Chapter 91, HRS, including prehearing conference, evidence, and the right to judicial review of a decision;
4. Subchapter 4, Construction on Property Leased by the State or County; new subchapter with proposed procedures and requirements for construction on property leased by the state or county;
5. Subchapter 5, Construction Projects Financed with Special Purpose Revenue Bonds; new subchapter with proposed requirements for construction projects financed with special purpose revenue bonds; and
6. additional changes for technical and clarification purposes.

Copies of the proposed amendments will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star-Advertiser through the day the public hearing is held, from Monday – Friday, between the hours of 2:00 p.m. – 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 340, Honolulu, Hawaii; 2264 Aupuni Street, Wailuku, Hawaii; 75 Aupuni Street, Room 108 Hilo, Hawaii; 81-990 Halekii Street, Room 2087, Kealahou, Hawaii; and 3060 Eiwa Street, Room 202, Lihue, Hawaii. A copy of the proposed amendments will be mailed to any interested person who requests a copy at the locations above-described, and pays a prepaid fee of ten cents per page for the copy and postage. The proposed rules may also be viewed at <http://labor.hawaii.gov/wsd>.

The public hearing will be held on: **February 16, 2018, at 9:30 a.m.** at:
HONOLULU, OAHU
Keelikolani Building
830 Punchbowl Street, Room 314
Honolulu, Hawaii 96813

The public hearing will be continued, if necessary, to the time, date and place announced at the scheduled hearing.

Interested persons may submit any data, views, or arguments, orally or in writing, concerning the proposed amendments. All written submissions for the record must be submitted to Wage Standards Division, 830 Punchbowl Street, Room 340, Honolulu, Hawaii 96813 and must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-8771, or email dlir.wages@hawaii.gov. A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: January 14, 2018

LEONARD HOSHIJO, Acting Director
Department of Labor and Industrial Relations