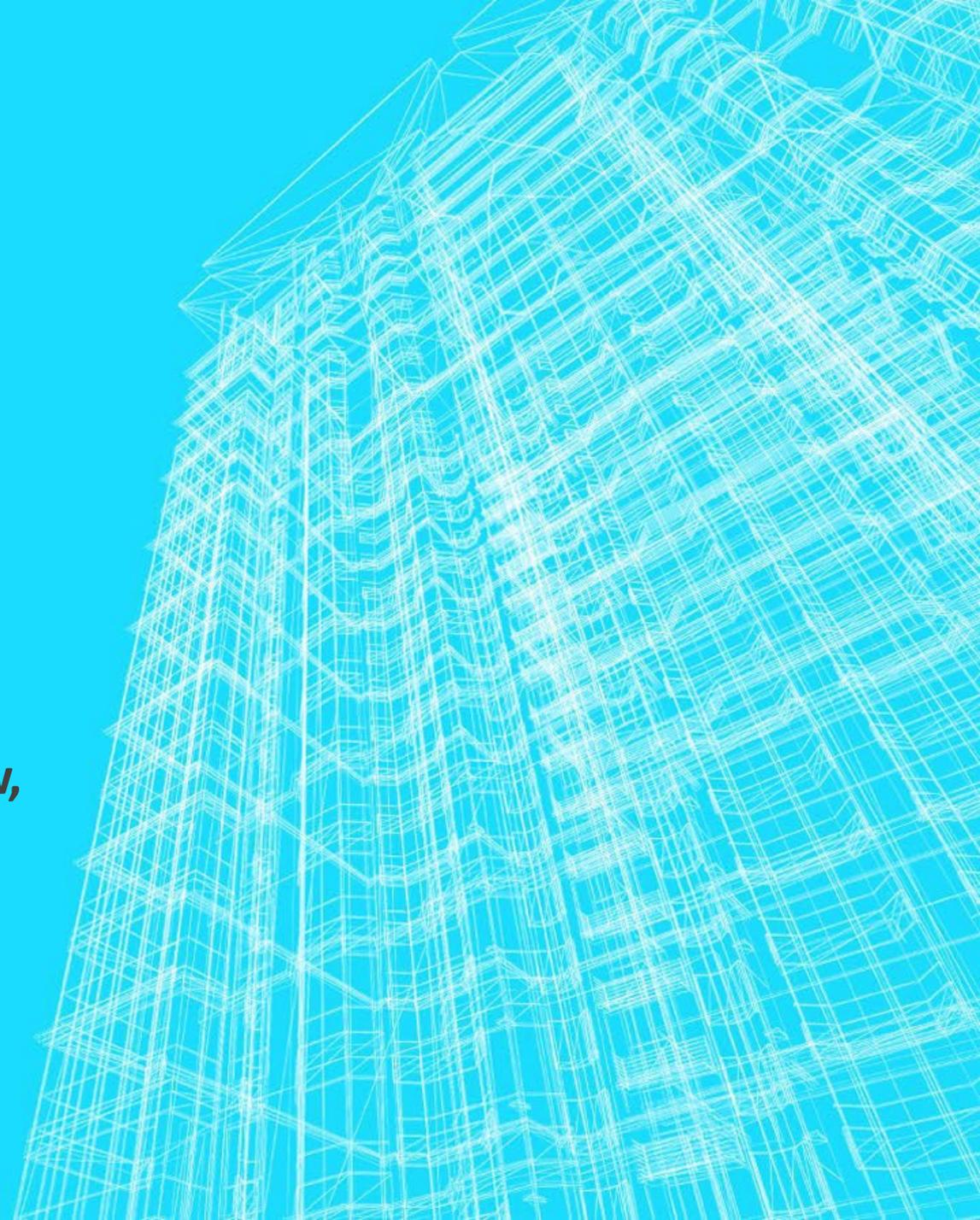


PREVAILING WAGES ON PUBLIC WORKS

**Wages and Hours of Employees on Public Works Law,
Chapter 104, Hawaii Revised Statutes**

**DEPT. OF LABOR AND INDUSTRIAL RELATIONS
WAGE STANDARDS DIVISION**

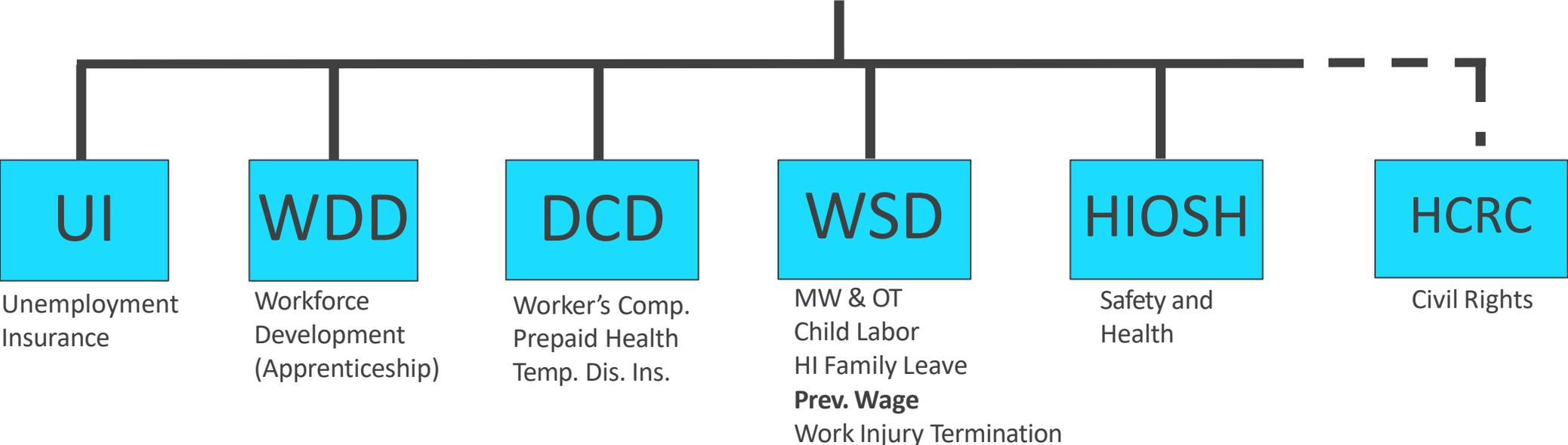


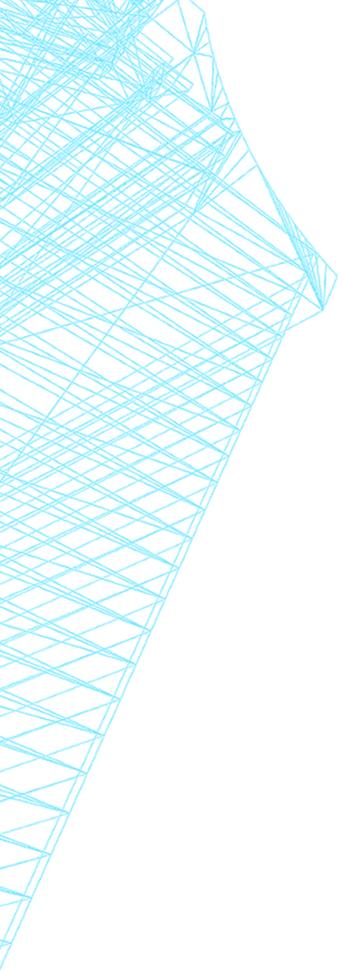
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS



Jade T. Butay, Director

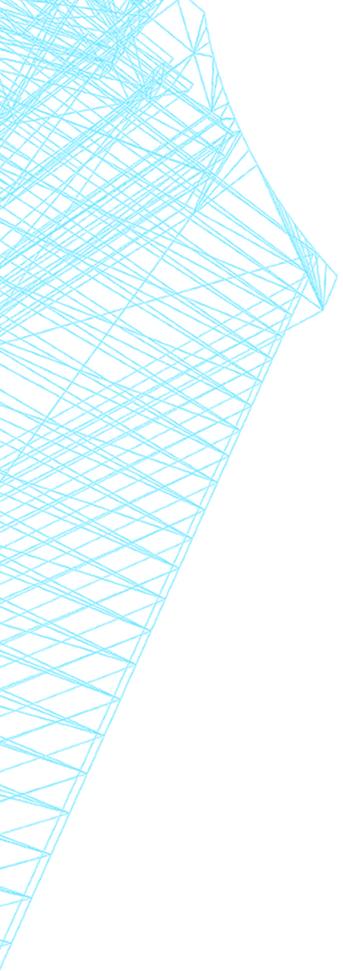
William G. Kunstman, Deputy Director





PRESENTATION HIGHLIGHTS

- Understand the who, what, when, where, why, and how of Hawaii's Prevailing wage law
- Know the prevailing wage rates for laborers and mechanics
- Fringe Benefits and Fringe Benefit Credit
- Understand Certified Payroll Requirements
- Identify Common Challenges in Compliance
- Penalties for violating the law



WHY CHAPTER 104, HRS EXISTS?

- Level Playing field for Everyone
- Laborers & Mechanics Receive equal pay for the same type of work being performed

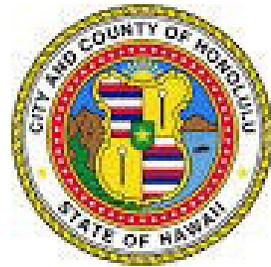
“This [law], like the Federal Davis-Bacon Act, has as its guiding principle that bids for construction of public works should be based on the relative skill and efficiency of the contractors concerned and not on a difference in wages paid.

To state the principle another way, government money, coming from the taxes of all of us, should not be used to subsidize contractors who are depressing the wages of some of us.”

(Standing Committee Report No. 318, 1955 Regular Session)

WHAT DOES CHAPTER 104 APPLY TO?

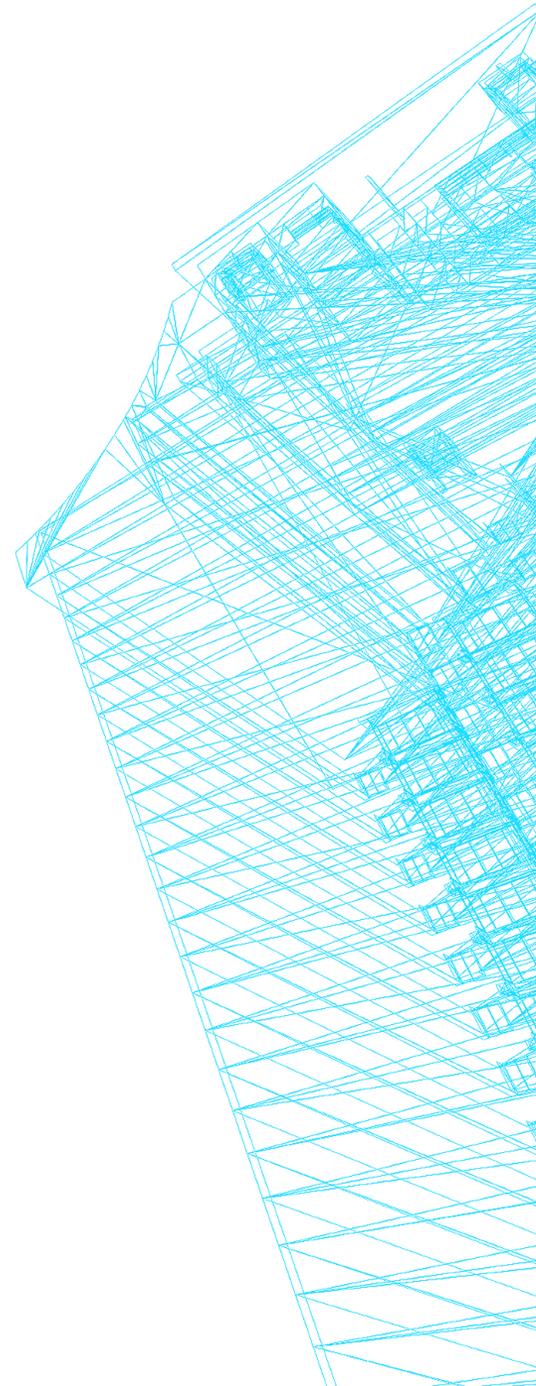
104 Applies to Public Construction Projects



>\$2,000

OTHER COVERED PROJECTS

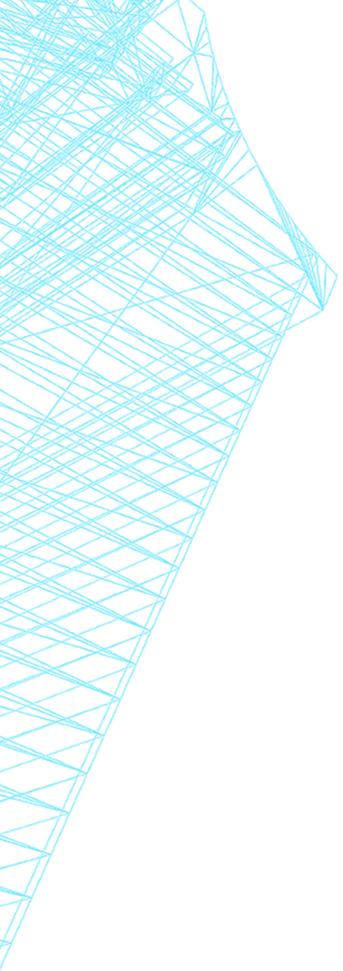
- Construction projects funded by Special Purpose Revenue Bonds (SPRB) 104-2(h), HRS
- Construction projects for buildings where more than 50% is leased to a state or county agency 104-2.5, HRS
- The definition of “Public Work” includes private projects “where the funds or resources required or used to undertake the project are to any extent derived, either directly or indirectly, from public revenues of the State or any county, or from the sale of securities or bonds whose interest or dividends are exempt from state or federal taxes.” 104-1, HRS



WHAT TYPE OF PROJECT OR ACTIVITY IS COVERED?

- ❖ New Construction
- ❖ Reconstruction
- ❖ Development
- ❖ Improvement
- ❖ Alteration
- ❖ Repair
- ❖ Renovation
- ❖ Painting
- ❖ Decorating
- ❖ Dredging
- ❖ Shoring
- ❖ Sewer Inspection and Repair





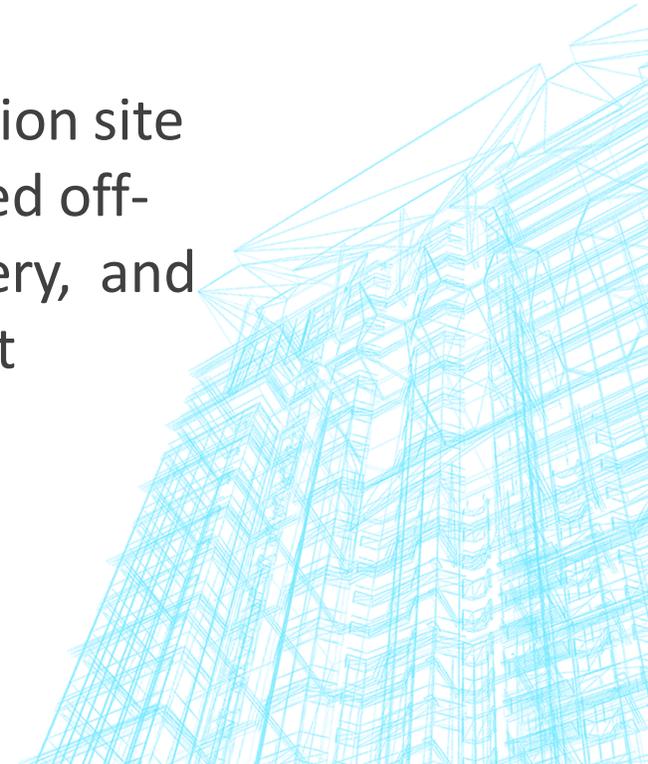
WHAT OTHER ACTIVITIES ARE COVERED?

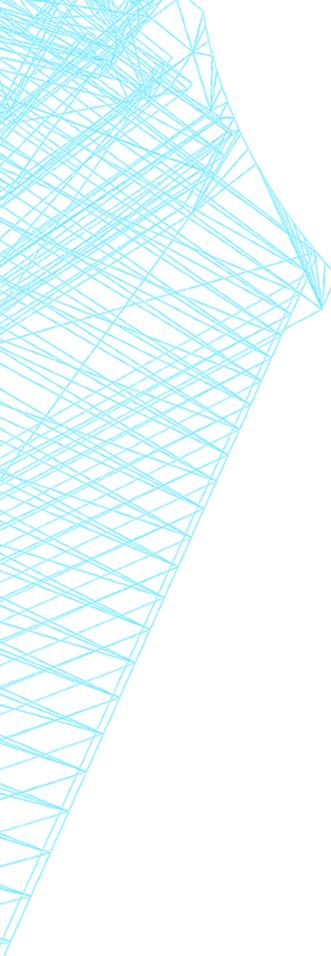
Work performed by a laborer or mechanic at the site is included if the activity is an integral part of or is in conjunction with a construction contract.

If there is a substantial amount of construction activity involved in a supply, service or other non-construction contract, it is covered.

...OTHER ACTIVITIES INCLUDE

- ❖ Manufacturing or furnishing of materials, articles, supplies, or equipment on the job site
- ❖ Warranty work
- ❖ Demolition or excavation
- ❖ Landscaping
- ❖ Termite treatment; and
- ❖ Installation at the construction site of items or articles fabricated off-site, such as shelving, drapery, and communications equipment





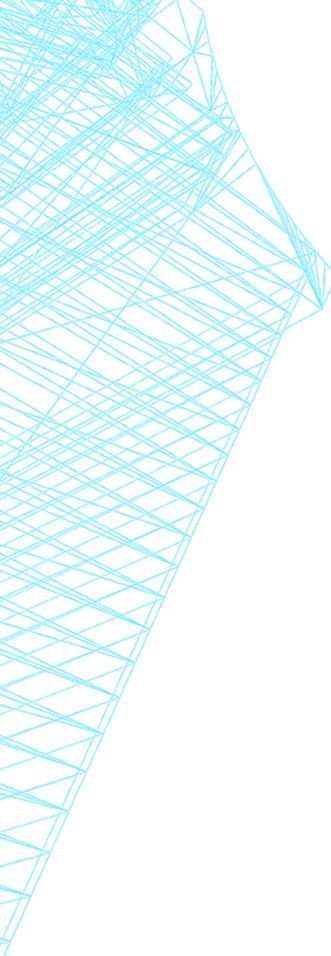
WHO IS COVERED BY CH. 104?

The law applies to work performed at the public work site by any **laborer or mechanic, including owner-operators**. See [Memorandum No. ED-1 April 30, 2014](#)

The law also applies when **transporting** materials, supplies or equipment

- **to or from the public work site;**
- **between** a public work site and another public work site; or
- between a public work site and a **dedicated site,**

when performed by a laborer or mechanic employed at the job site. See [HAR 12-22-1.1](#)



WHO IS NOT COVERED BY CH. 104?

The following illustrate situations in which chapter 104, HRS, and this chapter are not applicable:

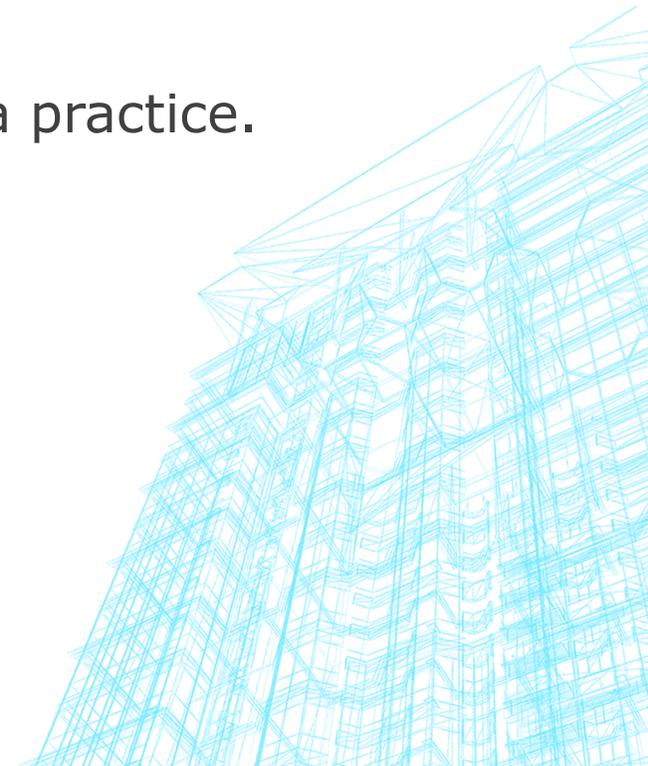
- Delivery of materials, supplies, or equipment to a public work site if the delivery persons only drop off the items and perform no construction work at the public work site.
- Hauling of excavated material away from a public work site for disposal or recycling, where the drivers are on the site only to have their trucks filled.
- Continuous hauling of material to and from a public work site, and the drivers perform no construction work at the public work site; or
- Delivery or removal of equipment to or from a public work site, and the delivery persons operate no equipment or perform no other work as a laborer or mechanic on the public work site. See HAR 12-22-1.1

HOW IS THE APPROPRIATE JOB CLASSIFICATION DETERMINED?

A contractor must identify the appropriate classification from the applicable wage rate schedule for all work to be performed by laborers and mechanics on the project.

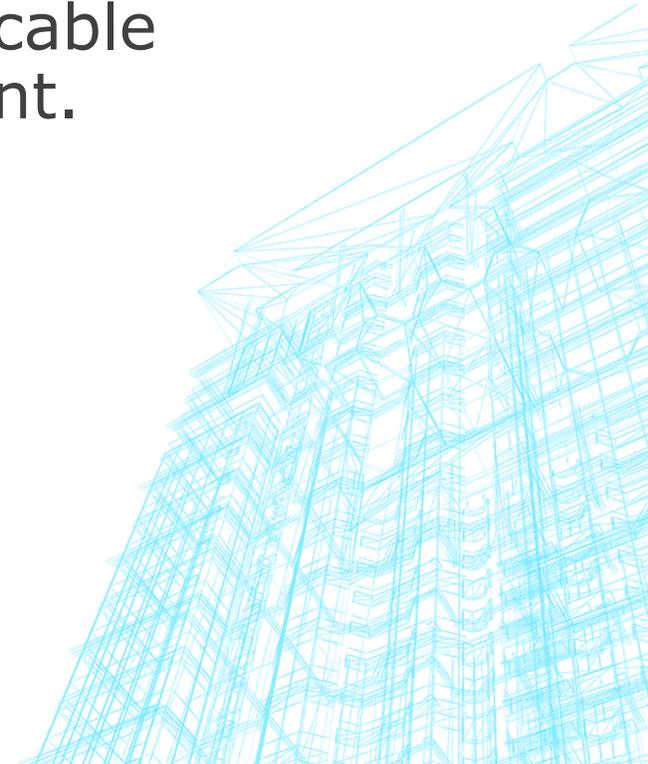
The proper classification must conform to the prevailing area practice.

see [HAR §12-22-8](#)



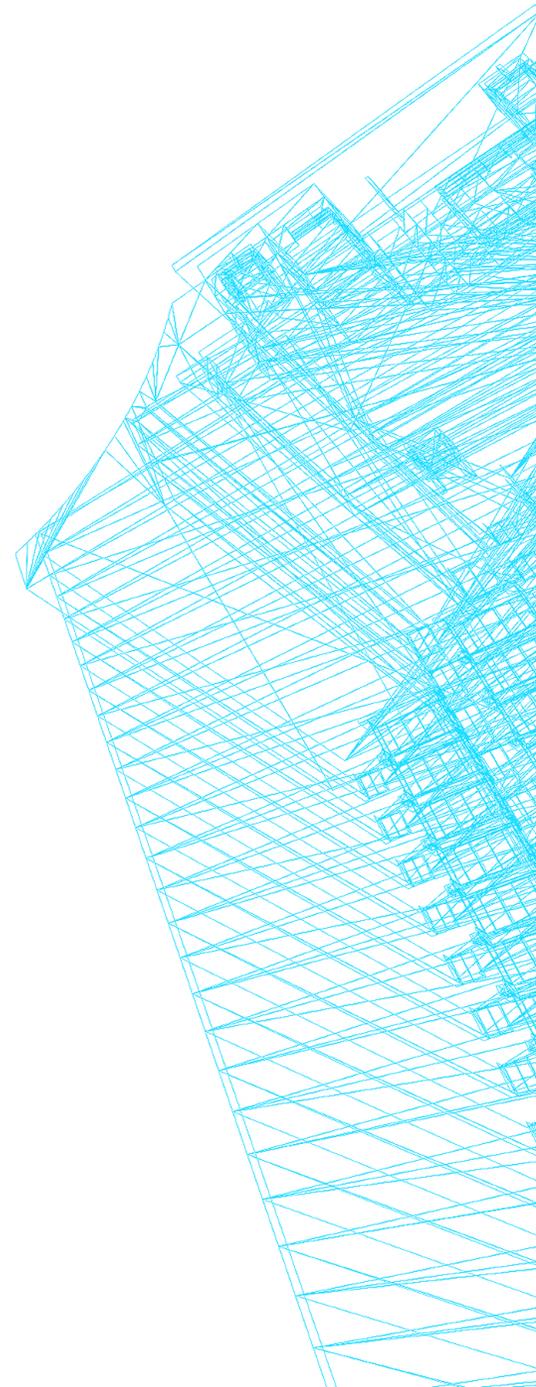
WHAT IS THE PREVAILING AREA PRACTICE?

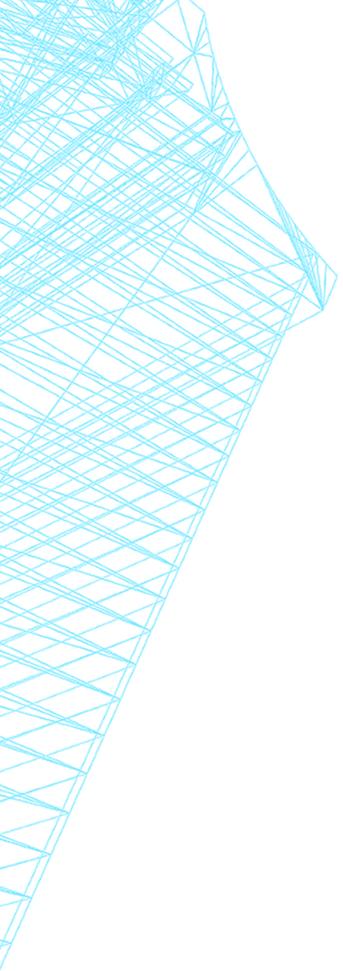
"Prevailing area practice" means the labor classifications of the work performed by the laborers or mechanics of the group used by the contractors whose wage rates were determined to be prevailing in the locality and are incorporated into and represented in the applicable wage rate schedule issued by the department.



CLASSIFICATION EXAMPLES

- ❖ Equipment Operator (Group 6)
- ❖ Laborer I
- ❖ Carpenter Apprentice Step 3, Indentured on 9/1/02
- ❖ Glazier





WHAT WAGES ARE REQUIRED BY CHAPTER 104?

A contractor must pay the minimum prevailing wages for each class of laborers and mechanics on State or county public works construction projects, as determined by the Director of Labor and published in the wage rate schedule.

WAGE RATE SCHEDULE

WAGE RATE SCHEDULE BULLETIN NO. 510

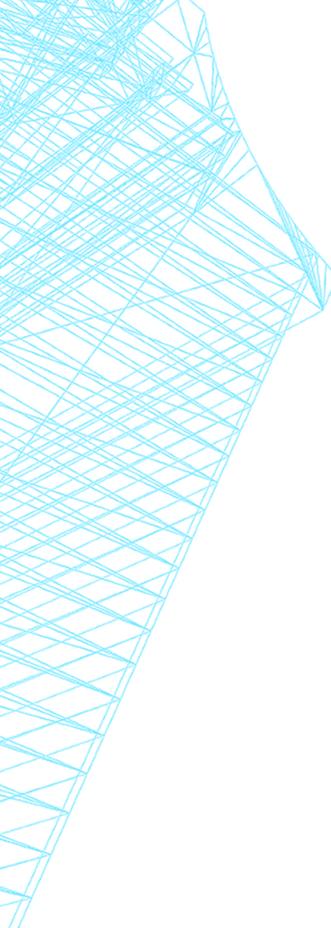
Classification	Current			2026			2027			2028			Remarks See Pg 6-9
	Prevailing Wage Total	Basic Hourly Rate	Fringe Hourly Rate										
*BOILERMAKER:	2/16/26												
Boilermaker / Blacksmith	\$76.33	\$42.64	\$33.69	-	-	-	-	-	-	-	-	-	13
CARPENTER:	9/15/25			8/31/26			8/30/27			9/4/28			
Journeyman Carpenter (Form/Framer/Rough/Finish)	\$85.24	\$55.50	\$29.74	\$87.24	\$56.75	\$30.49	\$89.29	\$58.00	\$31.29	\$91.34	\$59.50	\$31.84	1,12,13
Millwright and Machine Erector	\$85.49	\$55.75	\$29.74	\$87.49	\$57.00	\$30.49	\$89.54	\$58.25	\$31.29	\$91.59	\$59.75	\$31.84	1,12,13
Power Saw Operator (2 h.p. & over)	\$85.39	\$55.65	\$29.74	\$87.39	\$56.90	\$30.49	\$89.44	\$58.15	\$31.29	\$91.49	\$59.65	\$31.84	1,12,13
*CEMENT FINISHER:	2/16/26			8/31/26			8/30/27			9/4/28			
Journeyman Cement Finisher	\$85.16	\$46.83	\$38.33	\$85.58	\$46.85	\$38.73	\$85.63	\$46.90	\$38.73	\$92.80	\$53.67	\$39.13	2,12,13
Trowel Machine Operator	\$85.31	\$46.98	\$38.33	\$85.73	\$47.00	\$38.73	\$85.78	\$47.05	\$38.73	\$92.95	\$53.82	\$39.13	2,12,13
CHAIN-LINK FENCE ERECTOR:	9/29/25			10/5/26			10/4/27			10/2/28			
	\$50.70	\$29.75	\$20.95	\$52.90	\$30.90	\$22.00	\$55.20	\$32.10	\$23.10	\$57.50	\$33.30	\$24.20	10,13
CHLORINATOR:	9/15/25												
	\$39.34	\$35.33	\$4.01	-	-	-	-	-	-	-	-	-	
*DIVER:	9/15/25												
AQUA LUNG DIVING (Scuba Diver):													
Stand-By Diver	\$98.43	\$62.97	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Scuba Diver (Wet) (up to 30 feet)	\$107.81	\$72.35	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Scuba Diver (Wet) (over 30 feet)	\$117.18	\$81.72	\$35.46	-	-	-	-	-	-	-	-	-	12,13
DIVING OTHER THAN AQUA LUNG (Surface Supplied Diving):													
Tender	\$95.40	\$59.94	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Stand-By Diver	\$98.43	\$62.97	\$35.46	-	-	-	-	-	-	-	-	-	3,12,13
Diver	\$117.18	\$81.72	\$35.46	-	-	-	-	-	-	-	-	-	3,12,13
DRAPERY INSTALLER:	9/15/25												
	\$21.00	\$21.00	\$0.00	-	-	-	-	-	-	-	-	-	
*DREDGING - CLAMSHELL AND HYDRAULIC SUCTION:	9/15/25												
CLAMSHELL OR DIPPER DREDGES:													
Clamshell or Dipper Operator	\$96.12	\$60.66	\$35.46	-	-	-	-	-	-	-	-	-	11,12,13
Mechanic or Welder, Watch Engineer [Clamshell or Dipper Dredges]	\$95.46	\$60.00	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Deckmate, Barge Mate [Clamshell or Dipper Dredges]	\$95.06	\$59.60	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Bargeman, Deckhand, Fireman and Oiler [Clamshell or Dipper Dredges]	\$93.40	\$57.94	\$35.46	-	-	-	-	-	-	-	-	-	12,13
HYDRAULIC SUCTION DREDGES:													
Leverman	\$95.76	\$60.30	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Watch Engineer (Steam or Electric)	\$95.61	\$60.15	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Mechanic or Welder [Hydraulic Suction Dredges]	\$95.46	\$60.00	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Dozer Operator	\$95.40	\$59.94	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Deckmate [Hydraulic Suction Dredges]	\$95.06	\$59.60	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Winchman (Stern Winch on Dredge)	\$94.95	\$59.49	\$35.46	-	-	-	-	-	-	-	-	-	12,13
Deckhand (can operate Anchor Scow under direction of Deckmate), Fireman, Leveeman, Oiler [Hydraulic Suction Dredges]	\$93.40	\$57.94	\$35.46	-	-	-	-	-	-	-	-	-	12,13

CONTINUED ON NEXT PAGE

WAGE RATE SCHEDULE UPDATES

- Current is WRS 510 Issued February 16, 2026
- Updated twice a year – on or about Feb. 15 and Sept 15
- Available on the Internet search for Hawaii Wage Rate Schedule
- When the prevailing wage increases the contractor must increase the wages accordingly. Future anticipated increases have been included where possible.

JAN	FEB★	MAR
APR	MAY	JUN
JUL	AUG	SEP★
OCT	NOV	DEC



PREVAILING WAGES

$$\begin{array}{r} \text{Basic Hourly Rate} \\ + \text{Fringe Benefits} \\ \hline = \text{Prevailing Wage} \end{array}$$

The employer can pay any combination of the basic hourly rate and fringe benefits in order to meet the prevailing wage requirement in the applicable Wage Rate Schedule.

EXAMPLE: REFER TO WRS #510

Carpenter's rate on 9/15/25:

▪ Basic Hourly	=	\$55.50
▪ Fringe Benefits	=	\$29.74
▪ Prevailing Wage	=	\$85.24

Employer can either:

- ❖ pay the entire \$85.24 directly to employees; or
- ❖ pay any combination of the basic hourly rate & fringe benefits which equals \$85.24.
e.g., \$74.24 as the basic hourly rate, and \$6.00 per hour for 401K; \$5.00 for medical.

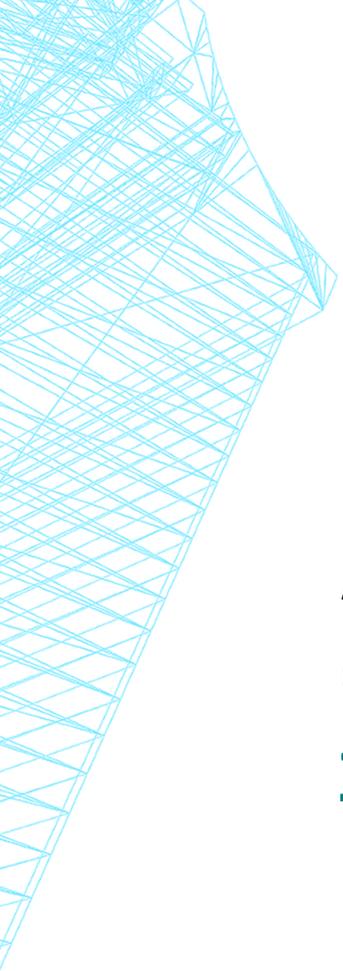
WHEN MUST OVERTIME BE PAID FOR CH. 104?

- Saturday;
- Sunday;
- a legal State holiday; or
- more than 8 hours on any other day whether worked on one or more projects.

Overtime is computed at least 1.5 times the basic hourly rate, plus the fringe benefit rate at straight time. Note some exceptions with certain classifications, ref. Remarks #13, in the WRS, that apply to Sundays and certain holidays 2 times; and Labor Day 3 times.

CALCULATING OVERTIME

CARPENTER WRS 510	Straight Time		Overtime
Basic Hourly Rate	\$55.50	x 1.5	\$83.25
Fringe Benefit	\$29.74	=	\$29.74
Prevailing Rate	\$85.24		\$112.99



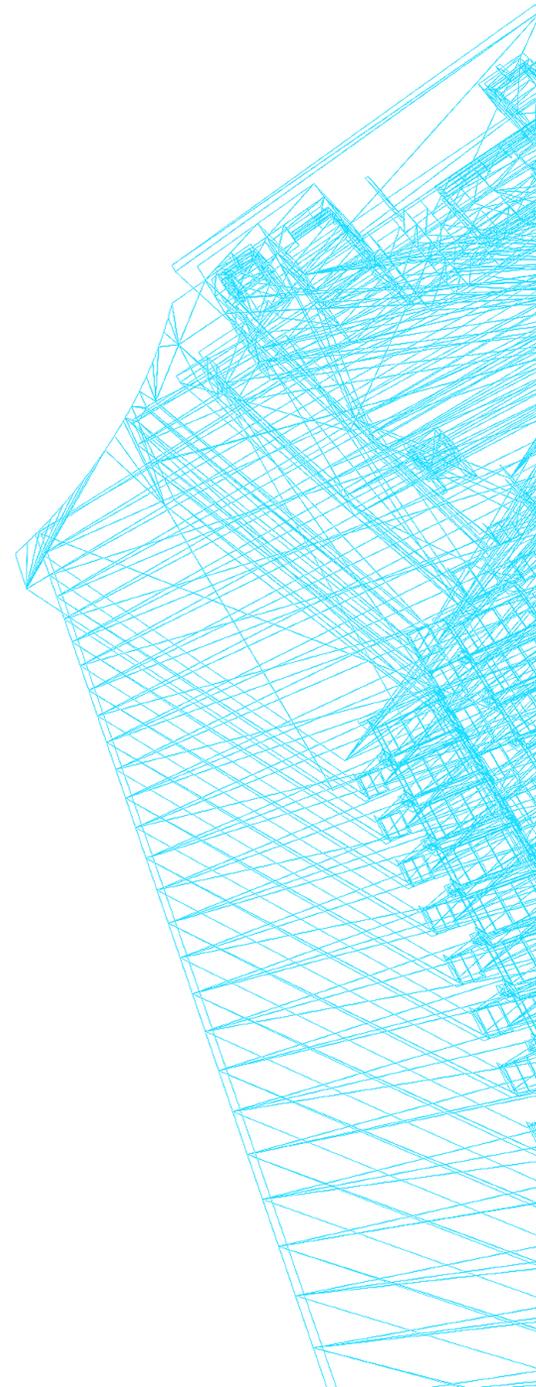
WHAT IS A FRINGE BENEFIT?

A fringe benefit is a contribution irrevocably made by a contractor to a trustee or to a third person according to a fund, plan or program in providing benefits to a laborer or mechanic, such as medical, insurance and pension.

ALLOWABLE FRINGE BENEFITS

Examples of allowable fringe benefits:

1. Health and welfare
2. Life insurance, disability insurance
3. Vacation and holiday pay
4. Pensions
5. Apprenticeship or similarly approved programs



DETERMINING A FRINGE BENEFIT HOURLY CREDIT BASED ON A MONTHLY RATE

The allowable hourly fringe benefit credit is determined by **dividing the monthly** contribution rate **by 173** hours.

[\(See Hawaii Administrative Rule 12-22-4\)](#)

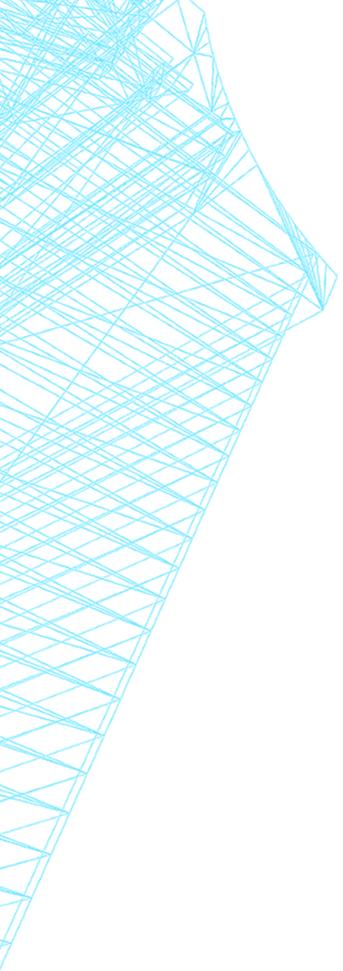


e.g., Monthly Health Premium: \$865.00

Hourly credit: $\$865.00 \div 173 \text{ hrs} = \$5.00/\text{hr}$

So, if the prevailing wage is \$85.24 per hr, the employer can take a \$5.00 per hr fringe credit, and pay \$80.24 per hour as the prevailing wage rate.

Note: Since the hourly fringe credit is based on straight-time hours, credit can be used for straight-time hours only.

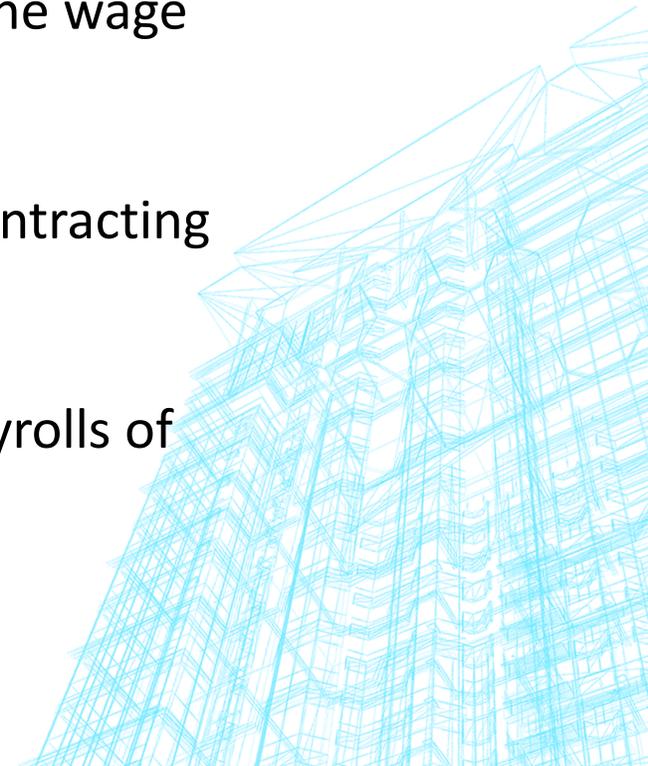


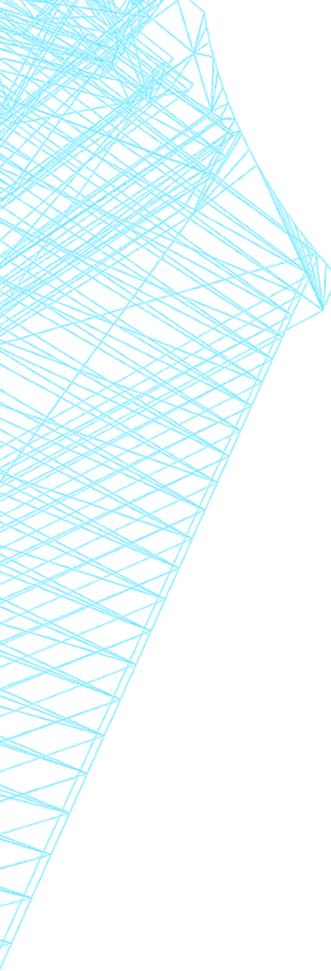
WEEKLY PAY REQUIREMENT

All employees must be paid weekly and within 5 working days after the end of the pay period.

WHAT IS A CERTIFIED PAYROLL?

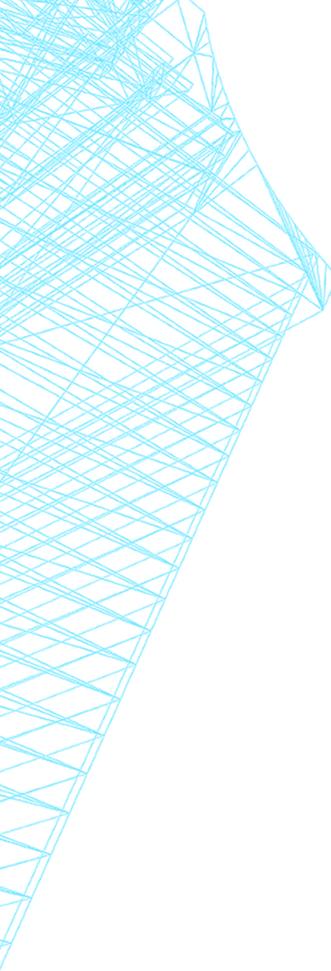
- ❖ A copy of the weekly payroll which the contractor has signed to affirm that:
 - the payroll is correct and complete
 - the job classifications conform with the work performed by the laborer or mechanic
 - wages paid are not less than the applicable rates contained in the wage rate schedule.
- ❖ Certified payrolls must be submitted **weekly** to the governmental contracting agency.
- ❖ The **general contractor** is responsible for submitting the certified payrolls of all subcontractors.





REQUIRED INFORMATION ON CERTIFIED PAYROLL

- ❖ Employee's full name and home address
- ❖ Employee's Social Security Number (last four digits only)
- ❖ Job Classification(s) as shown in the wage rate schedule
- ❖ Rate of pay including applicable fringe benefits, itemized breakdown
- ❖ Copy of the apprentice's registration with the Department
- ❖ Daily and weekly number of hours worked
- ❖ Straight time hours
- ❖ Overtime hours
- ❖ Total earnings
- ❖ Amount and purpose of deductions
- ❖ Net pay
- ❖ Payment date



FORMAT OF CERTIFIED PAYROLLS

No standard form required. Any form that includes all required information and is certified is acceptable including itemized fringe benefits.

DAGS has an electronic form that assists with compliance.

Website <https://publicworks.hawaii.gov/> look **For Contractors Construction Administration Forms - Construction Ongoing**

STATEMENT OF COMPLIANCE & DAGS-ECP FOR PAYROLL AFFIDAVITS

STATEMENT OF COMPLIANCE

(Rev. 09/09)

STATEMENT OF COMPLIANCE

(Certification Under Penalty of Perjury)

Date: at:

I, do certify under penalty of perjury:

- 1) That all of the information in this report is true and correct.
- 2) That I pay or supervise the payment of the persons employed by on the during the payroll week of that all persons employed on said project will be paid the full weekly wages earned; that no rebates have been or will be made either directly or indirectly from the full wages earned by any person, other than permissible deductions, as described below:
FICA(Social Security), Medicare, Federal Income Taxes, State Income Taxes, State Disability (SDI), Court-ordered Wage Attachments.
- 3) That any payrolls otherwise under this contract required to be submitted are correct and complete; that the wage rate for laborers or
- 4) That any apprentices employed on the above project are duly registered in a bona fide apprenticeship program registered with, or
- 5) That:

a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above-referenced payroll, payments of

Following is a breakdown of the hourly fringe benefit contributions:

	<u>Classification</u>	<u>Pension/Annuity</u>	<u>Health & Welfare</u>	<u>Vacation/Holiday</u>	<u>Training</u>	<u>Total OTHER</u>	<u>Total Fringes</u>
a	Example	\$1.23	\$2.23	\$3.33	\$6.34	\$4.45	\$17.58
b						\$0.00	\$0.00
c						\$0.00	\$0.00
d						\$0.00	\$0.00

	<u>Classification</u>	<u>(Type)</u>	<u>(Type)</u>	<u>(Type)</u>	<u>(Type)</u>	<u>(Type)</u>	<u>Total OTHER</u>
a	Example	\$3.23	\$1.22				\$4.45
b							\$0.00
c							\$0.00
d							\$0.00

b) Exceptions

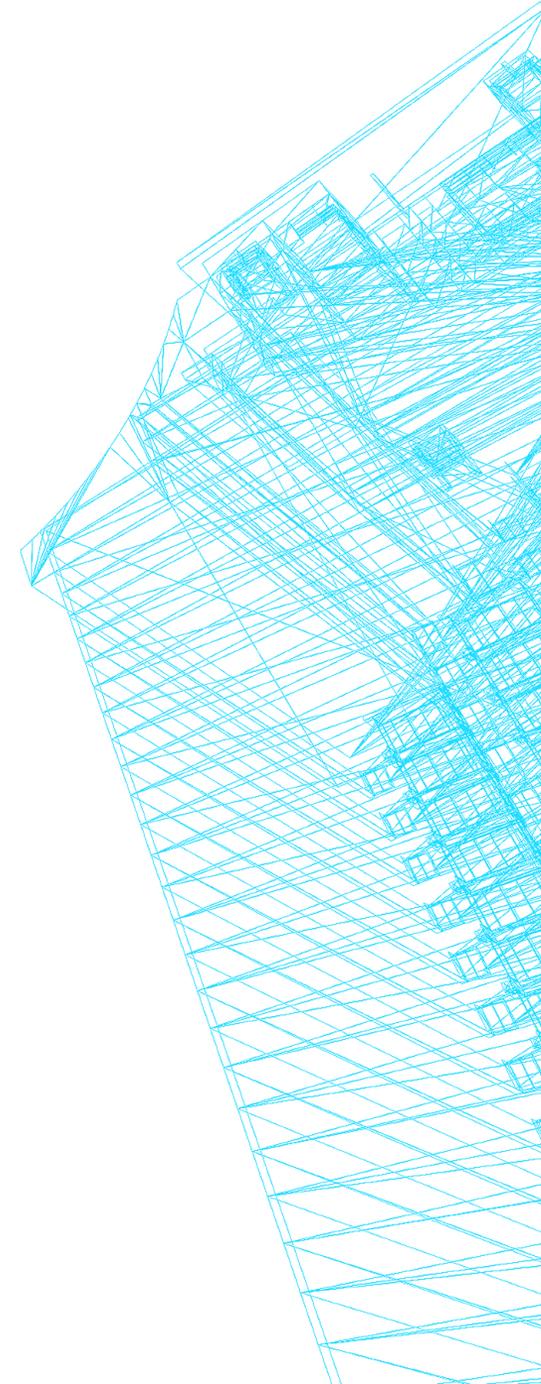
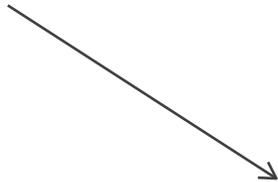
<u>Trade/Craft Classification</u>	<u>Explanation</u>

I reaffirm the intent of our company to comply with the requirements of HRS chapter 104, and all applicable federal and State laws

<input type="text"/>	<input type="text"/>
Name	Title
<input type="text"/>	<input type="text"/>

Signature and Date - Electronic or Inked

Signature
required at
bottom of
form



EXAMPLE OF PAYROLL SHEET

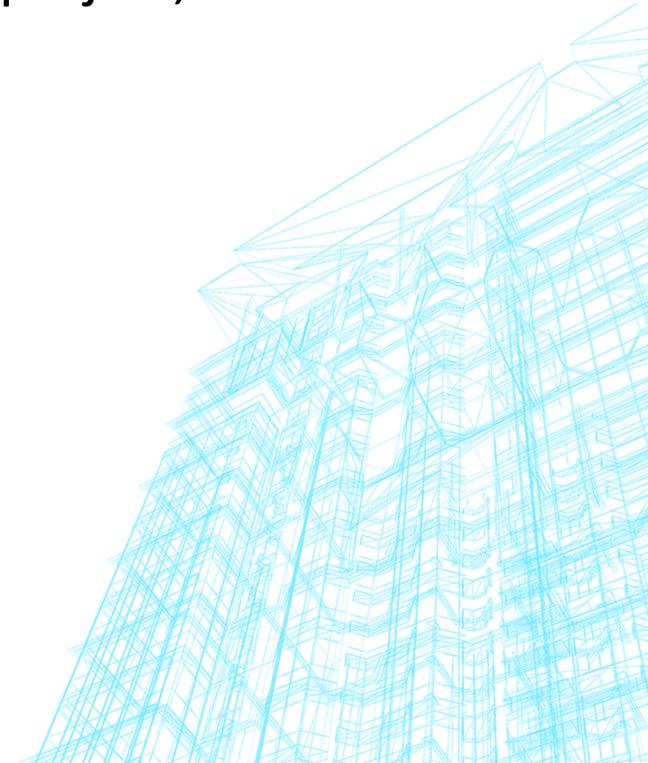
STATE OF HAWAII		CERTIFIED PAYROLL REPORT										DAGS.ECP v1.0_1205												
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES												REPORT SUBMISSION DATE: 26-Oct-07												
Public Works Division																								
Name is of: Contractor: <input checked="" type="checkbox"/>		Subcontractor: <input type="checkbox"/>		<input type="checkbox"/>		THIS IS AN AMENDED FORM																		
				<input checked="" type="checkbox"/>		PAYMENTS MADE ON SAME DAY TO ALL EMPLOYEES																		
NAME: Hasbens Contractors, Inc.																								
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION						PROJECT NO.		VENDOR CODE												
3		October 20, 2007		CHERRY COURTHOUSE, Remodel for new technology						99-99-9999		000003-98												
NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	NO. OF WITHHOLDINGS EXEMPTIONS	WORK CLASSIFICATION	OT. ORST.	DAY AND DATE							TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	HOURLY DEDUCTION RATE					GROSS DEDUCTIONS	NET WAGES PAID FOR WEEK	DATE PAID TO EMPLOYEE			
				S	M	T	W	TH	F	S				FICA	FED. WITHHOLDING TAX	STATE WITHHOLDING TAX	MEDICARE	OTHER DEDUC.				TOTAL DEDUCTIONS		
				HOURS WORKED EACH DAY																				
14	Rocco Bonabena		O								8.00	8.00	\$52.43	\$419.400	\$3.00	\$2.00	\$1.00	\$1.00	\$0.00	\$7.00	\$280.00			
15		Carpenter	S	8.00	8.00	8.00	8.00	8.00				32.00	\$34.95	\$1,118.400								\$1,257.800	26-Oct-07	
16			T	0.00	8.00	8.00	8.00	8.00	0.00	8.00		40.00		\$1,537.800										
18	Kenneth Morton		O		2.00							2	\$55.13	\$110.250	\$3.00	\$2.00	\$1.00	\$1.00		\$7.00	\$280.00			
19		Electrician-Line/Wire Installer	S	8.00	6.00	6.00	6.00	6.00	6.00	6.00		38	\$36.75	\$1,396.500								\$1,226.750		
20			T	0.00	10.00	6.00	6.00	6.00	6.00	6.00		40.00		\$1,506.750										
22	Keoni Lee		O		2.00							2	\$45.00	\$90.000	\$3.00	\$2.00	\$1.00	\$1.00		\$7.00	\$280.00			
23		Ironworker	S	8.00	6.00	6.00	6.00	6.00	6.00	6.00		38	\$30.00	\$1,140.000								\$950.000		
24			T	0.00	10.00	6.00	6.00	6.00	6.00	6.00		40.00		\$1,230.000										

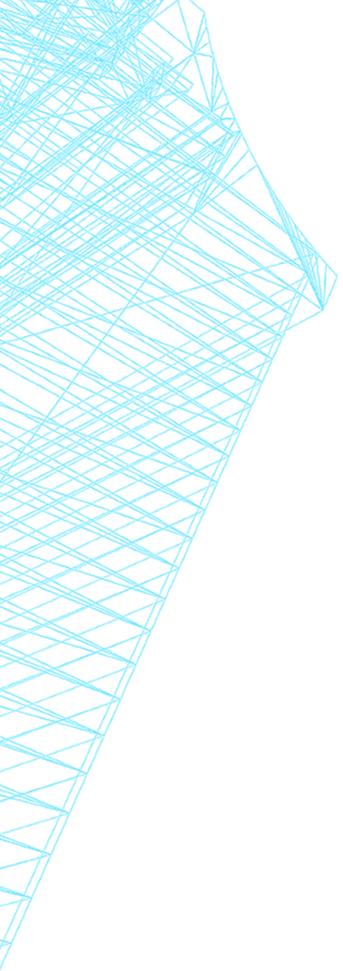
EMPLOYEE INFORMATION

	A	B	C	D	E	FG	H	I	J	K	LM	N
1	STATE OF HAWAII					<u>CERTIFIED PAYROLL REPORT</u>					DAGS.ECP v1.0_1205	
2	DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES											
3	Public Works Division					REPORT SUBMISSION DATE:					26-Oct-07	
4												
5	Name is Contractor:			<input checked="" type="checkbox"/>				<input type="checkbox"/> THIS IS AN AMENDED FORM				
6	Subcontractor			<input type="checkbox"/>		<input checked="" type="checkbox"/>		PAYMENTS MADE ON SAME DAY TO ALL EMPLOYEES				
7	NAME:	Hasbens Contractors, Inc.										
8	PAYROLL NO.	FOR WEEK ENDING		<u>LOCATION</u>					VENDOR CODE			
9	34	October 20, 2007		CHERRY COURTHOUSE, FIX ROTTEN TREES					000003-98			
11	<u>NAME</u>			<u>ADDRESS</u>					<u>SOC SEC NO.</u>			
12	Rocco Bonabena			99 Uewelo Pl, Honolulu, HI 96819					xxx-xx-9999			
13	Kenneth Morton			29 Pualei Circle					xxx-xx-0009			
14	Keoni Lee			222 Nuuanu Dr.					xxx-xx-9000			
15												
16												
17												
18												
19												

OTHER REQUIREMENTS FOR CERTIFIED PAYROLL

- ❖ Certified payrolls should be signed by an authorized official of the company for example, the owner, partner or corporate officer
- ❖ Employer(s) must preserve time and payroll records during the project, and for 3 years after its completion





APPRENTICES ON CERTIFIED PAYROLLS

- ❖ A copy of an apprentice registration should be attached to the certified payroll submitted to the contracting agency.
- ❖ Indenture date and current step or level of the apprentice should be provided for every apprentice listed on the certified payroll.
- ❖ The Apprentice to Journeyworker Ratio shall be met at all times.
- ❖ To verify if an apprentice is registered, pls contact the [Workforce Development Division](#), WDD at 808-586-8877

NOTICE TO WORKERS

WAGE INFORMATION

This project is subject to State Law, Chapter 104. Every laborer and mechanic employed on this job site must be:

1. PAID not less than the prevailing wage for the job classification - See schedules below. (Note: The Wage Rate Schedule may also be downloaded at - <http://labor.hawaii.gov/wsd>)
2. PAID overtime at not less than time and one-half for all hours worked after 8 hours each day, and for all hours worked on Saturdays, Sundays, and legal State holidays; provided that if a prevailing wage is defined by a collective bargaining agreement, the overtime compensation shall be at the rates set by the applicable collective bargaining agreement.
3. PAID fringe benefits for all hours worked, including overtime.
4. PAID every week, within five working days after the end of the pay period.
5. GIVEN a copy of the applicable rate schedules (see below), unless covered by a collective bargaining agreement.

If You Don't Receive the Above, Report to:

Project Representative/Inspector: _____ Phone: _____

For more information, contact the Department of Labor and Industrial Relations, Wage Standards Division:

OAHU (Honolulu)
830 Punchbowl Street
Room 340
Phone: (808) 586-8777

HAWAII ISLAND (Hilo)
75 Aupuni Street
Room 108
Phone: (808) 974-6464

MAUI (Wailuku)
2264 Aupuni Street
Phone: (808) 243-5322

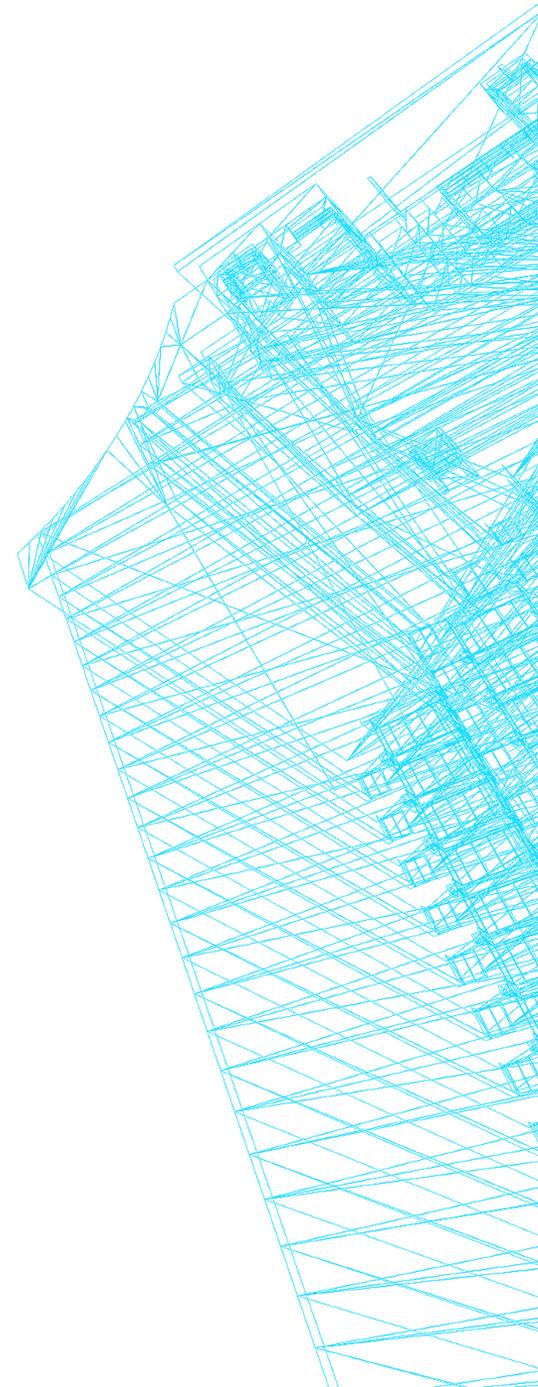
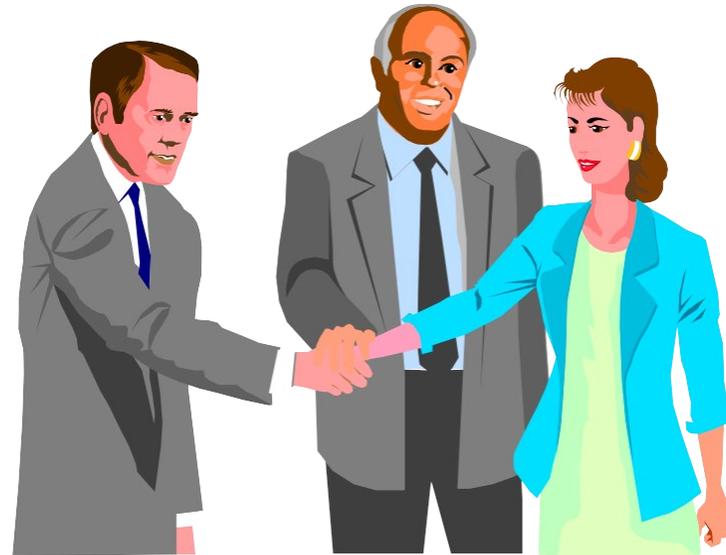
KAUAI (Lihue)
Contact Honolulu



-- Attach Applicable Wage Rate Schedules Here --

ENFORCEMENT RESPONSIBILITIES

Both the Contracting Agency and
the Department of Labor and
Industrial Relations have
joint responsibility



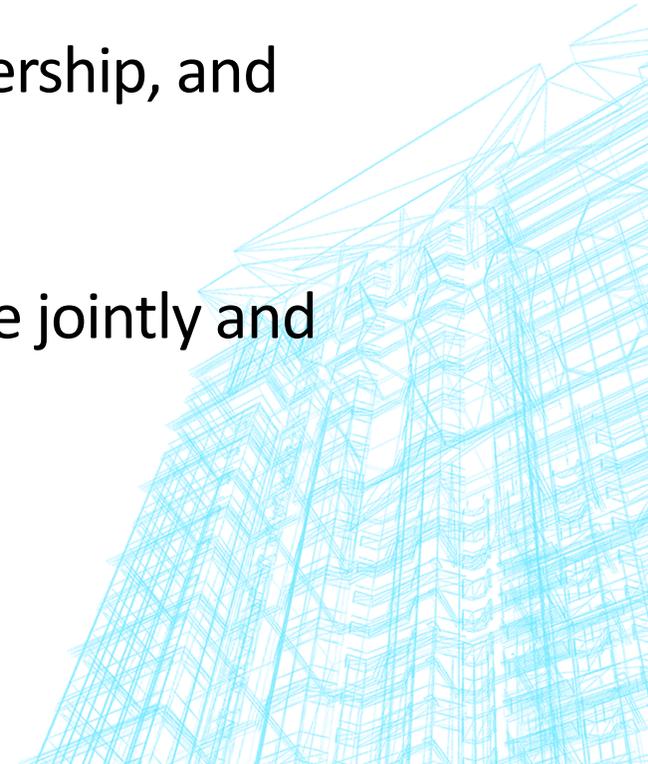
NOTIFICATION OF VIOLATION

Both the person and firm shall be listed on each Notice of Violation

“Person” includes a sole proprietor and the principal responsible managing employee that holds the contractors license of the firm.

“Firm” includes a corporation, limited liability company, partnership, and limited partnership.

DLIR shall assess and order the person or firm in violation to be jointly and severally liable for the penalty assessed see [Act 51, SLH 2023 §104-24, HRS](#)



PENALTIES

\$10,000 and immediate suspension for 3 years for falsification of records, or for delay or interference, and \$1,000 a day for each day of delay [§104-22\(b\)](#) & [§104-25\(a\)\(3\), HRS](#)

Notification of Violation (NOV) [§104-24, HRS](#)

- First Violation - Equal to 25% of back wages found due or \$250/offense, up to \$2,500, whichever is greater
- Second Violation - w/in 2 years of 1st NOV, equal to amount of back wages found due or \$500/offense, up to \$5,000, whichever is greater
- Third Violation - w/in 3 years of 2nd NOV, equal to two times the amount of back wages found due or \$1,000/offense, up to \$10,000, whichever is greater and **SUSPENSION FROM ANY NEW WORK FOR 3 YEARS** [§104-25, HRS](#)

RESOURCES – WEBSITE (LABOR.HAWAII.GOV/WSD)

 State of Hawaii
Wage Standards Division

[DLIR Home](#) [Divisions](#) [WSD Home](#) [Forms](#) [Find a Law](#) [Find a Report](#) [About WSD](#) [Contact WSD](#)

廣東話/广东话 Chinese: Cantonese 國語/普通话: Chinese: Mandarin Kapasen Chuuk Chuukese ʻŌlelo Hawaiʻi Hawaiian Ilokano Ilocano 日本語 Japanese 한국어 Korean Lea Faka-Tonga (Tongan)

Kajin Majöl Marshallese Gagana Samoa Samoan Español Spanish Tagalog Tagalog ภาษาไทย Thai Tiếng Việt Vietnamese Visayan Cebuano  808 586-8777



Minimum Wage & Overtime

Chapter 387, HRS, Wage and Hour Law, requires covered employees to be paid at least the statutory minimum wage. Overtime compensation is required after 40 hours worked in a workweek.



Unpaid Wages

Chapter 388, HRS, Payment of Wages and Other Compensation Law, requires employers to pay the earned wages of all employees at least twice a month and within seven days after the end of each pay period.



Child Labor

Under Chapter 390, HRS, Child Labor Law, a child labor certificate or "work permit" is required for working minors until age 18.

 Minors Work Permits	 Prevailing Wages on Public Works	 Chapter 104 Suspension List	 Chapter 104 Wage Rate Schedule
 Family Leave	 Unlawful Termination	 Guidelines	 FAQs

PREVAILING WAGES ON PUBLIC WORKS

Hawaii law requires all State and county construction projects greater than \$2,000, to pay prevailing wages to laborers and mechanics and file certified payrolls with the contracting agencies.

- For a summary of the law, see [eH104-3](#)
- To view a list of suspended contractors, see [Chapter 104 Suspension List](#)
- For the most current prevailing wages, go to [Wage Rate Schedule](#)
- To download a copy of the Chapter 104 poster, see [Chapter 104 Poster](#)
- To view an online presentation about the law, see [Chapter 104 Powerpoint](#)
- To review Frequently Asked Questions about Chapter 104, go to [FAQ](#).
- To view Situational Questions & Answers Relating to Chapter 104, go to [104 Q&A](#)
- Click on the appropriate links to find guidelines about: [surveyors](#), [signal men](#), [fringe benefit reporting](#), [ARRA](#), [ungulate fence workers](#)
- [Notice Re: WSD-2013-1](#) August 8, 2018 Reinstatement of Memorandum No. WSD-2013-1 re: Applicability of Chapter 104, HRS, to Truck Drivers on Asphalt Paving Public Construction Projects When the Spreader Box or Paving Machine Method in Construction is Used
- [Memorandum April 30, 2014](#) re: Memorandum No. ED-1, Listing of Owners/Partners on Certified Payrolls Under Chapter 104, HRS
- [WSD 2014-01a](#) November 20, 2014 Amending WSD 2014-01 re: Sewer Line Pipe Cleaning and Inspection on Public Works Construction Projects
- [WSD 2014-01](#) January 31, 2014 Sewer Line Pipe Cleaning and Inspection on Public Works Construction Projects (Amended on 11/20/2014. See WSD 2014-01a)
- [WSD 2014-02 November 20, 2014](#) Notice of clarification of WSD 2014-02 (5/16/14) re: Floor Laying on Public Works Construction Projects
- [WSD 2014-02](#) May 16, 2014 Floor Layers on Public Works Construction Projects (Replaced on 11/20/2014)
- [WSD 2017-01](#) July 10, 2017 Certified Payroll Requirements
- To obtain the Department of Accounting and General Services (DAGS), Public Works Division, optional "Statement of Compliance & DAGS-ECP for Payroll Affidavits" certified payroll form, [click here](#)
- [WSD 2019-01](#) September 17, 2019 Clarification of the *Light/Final Clean-Up (Janitorial) Laborer* classification in the Wage Rate Schedule

REVIEW MEMOS & GUIDELINES, ACCESS THE WAGE RATE SCHEDULE,
VIEW THE 104 SUSPENSION LIST, CHAPTER 104 FAQ

RESOURCES

- Call the Wage Standards Division at 808-586-8777 ext. 0
- Go to labor.hawaii.gov/wsd
- Email Wage Standards Division at dlir.wages@hawaii.gov

Mahalo, please be sure to fill out the 104 Overview Workshop Evaluation form!

