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Department of Labor & Industrial Relations  
**WAGE STANDARDS DIVISION**  
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## WHAT FARMERS NEED TO KNOW ABOUT

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### PAYMENT OF WAGES LAW

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#### 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 amount paid, hourly wage, pay period, and reasons and amounts of any withholding
- 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

Company 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, and minors 10-14 years old in coffee harvesting

Record Keeping: Keep employee payroll records for six years.

## FARMS WITH 20 OR MORE WORKERS

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

- Must pay at least **MINIMUM WAGE**, \$7.25 as of January, 1, 2007
- Must pay **OVERTIME** compensation for hours worked over 40 per work week. Under certain conditions, may pay overtime after 48 hours per workweek for 20 weeks per year commencing July 1

## SPECIAL RULES

- Coffee farms are not required to pay Hawaii minimum wage or overtime to employees engaged in coffee harvesting.
- Aquaculture farms are not required to pay Hawaii minimum wage or overtime to employees engaged in the propagating, catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacean, sponge, seaweed, or other aquatic forms of animal or vegetable life.



## CHILD LABOR LAW

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

- **10-14 years old** in coffee harvesting only. Must obtain a certificate, be under the direct supervision of parent or guardian, limit hours to non-school days from 6 am to 6 pm with a 15 min. rest period each 2 hour work period and a 1 hour meal break. Not more than: 6 hours a day; 30 hours a week; or 5 consecutive days. Prohibited from working in hazardous occupations or environments. Under 12 are prohibited from using any harvesting equipment. Form for certificate available on-line.
- **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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This publication has been compiled by the Department of Labor and Industrial Relations