

MINIMUM WAGE REQUIREMENTS APPLICABLE TO ALL CONTRACTS FOR
CONSTRUCTION OF PUBLIC WORKS IN EXCESS OF \$2,000
(INCLUDING ALTERATIONS, REPAIR, PAINTING AND DECORATING)

In accordance with the provisions of Chapter 104, Hawaii Revised Statutes, the following shall be complied with by the Contractor, Subcontractor and others who are connected with this job.

All laborers and mechanics engaged in the performance of this Contract on the job site shall be paid minimum wages not less than those determined by the Director of Labor and Industrial Relations to be the prevailing wages for corresponding classes of laborers and mechanics on any project of similar character in the State. The attached wage rate schedule contains the prevailing wages for corresponding classes of laborers and mechanics on any projects of similar character in the State, or as determined by the Director of Labor and Industrial Relations for purposes of Chapter 104, Hawaii Revised Statutes. All rates are subject to change.

The minimum wages shall be periodically increased during the performance of the contract in an amount equal to the increase in the prevailing wages for those kinds of work as periodically determined by the Director of Labor and Industrial Relations. Notwithstanding the provisions of the original contract, if the director determines that the prevailing wage has increased, the rate of pay of laborers and mechanics on a public work project shall be raised accordingly.

Payroll records for all laborers and mechanics working at the site of the work shall be maintained by the General Contractor and its Subcontractors, if any, during the course of the work and preserved for a period of THREE (3) years thereafter. Such records shall contain the name and address of each employee, the employee's correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor shall make payroll records available for examination within TEN (10) days from the date of a written request by the University. Any contractor who:

- (1) Fails to make payroll records accessible within TEN (10) days;
- (2) Fails to provide information requested for the proper enforcement of this chapter within TEN (10) days; or
- (3) Fails to keep or falsifies any record required under this chapter,

shall be assessed a penalty as provided in Section 104-22(b), HRS.

A certified copy of all payrolls shall be submitted weekly to the University. The General Contractor shall be responsible for the submission of certified copies of the payrolls of all Subcontractors. The certification shall affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Director of Labor and Industrial Relations, attached to this contract, and that the classification set forth for each laborer or mechanic conforms with the work performed by the laborer or mechanic.

A copy of the minimum wage rates shall be posted by the Contractor in a prominent and easily accessible place at the job site, and a copy of such rates of wages required to be posted shall be given to each laborer and mechanic employed under the contract by the Contractor at the time of employment, provided where there is a collective bargaining agreement, the Contractor does not have to provide employees with the wage rate schedules.

No laborer or mechanic employed on the job site shall be permitted or required to work on any Saturday, Sunday and legal holiday of the State, or in excess of EIGHT (8) hours on any other day unless the laborer or mechanic receives compensation for all hours worked on any Saturday, Sunday and legal holiday of the State, or in excess of EIGHT (8) hours on any other day at a rate not less than one and one half times the basic hourly rate of pay. For the purposes of determining overtime compensation under this sub-section, the basic hourly rate of any laborer or mechanic shall not be less than the basic hourly rate determined by the Director of Labor and Industrial Relations to be the prevailing basic hourly rate for corresponding classes of laborers and mechanics on projects of similar character in the State.

The Contractor or Subcontractor shall pay all mechanics and laborers employed on the job site unconditionally and not less often than once a week, and without deduction or rebate on any account, except as allowed by law, the full amounts of their wages including overtime, accrued to not more than FIVE (5) working days prior to the time of payment regardless of any contractual relationship which may be alleged to exist between the Contractor or Subcontractor and laborers and mechanics.

The University may withhold from the Contractor so much of the accrued payment as may be necessary to pay the laborers and mechanics the difference between the wages required by the contract and the wages received by such laborers mechanics.

If the University finds that any laborer or mechanic employed on the job site by the Contractor or any Subcontractor has been or is being paid wages at a rate less than the rate required by this contract or the specifications, or has not received full overtime compensation, the University may, by written notice to the Contractor, terminate the Contractor's right, or the right of any Subcontractor, to proceed with the work or with the part of the work in which the required wages or overtime compensation have not been paid and may complete such work or part by contract or otherwise, and the Contractor and its sureties shall be liable to the University for any excess costs occasioned thereby.

For further information on this Act, the Contractor shall refer to Chapter 104, Hawaii Revised Statutes.