



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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March 1, 2022

To: The Honorable Karl Rhoads, Chair,
The Honorable Jarrett Keohokalole, Vice Chair, and
Members of the Senate Committee on Judiciary

Date: Tuesday, March 1, 2022
Time: 9:30 a.m.
Place: Via Videoconference

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 2711 S.D.1 RELATING TO EDUCATION

I. OVERVIEW OF PROPOSED LEGISLATION

SB2711 SD1 proposes to amend Section 390-1, Hawaii Revised Statutes (HRS), of the Child Labor Law, by adding a definition for "youth vocational training program or internship" and adding a new subsection (e) to §390-2 to permit minors under eighteen years of age to be employed or permitted to work:

- 1) In a youth vocational training program or internship;
- 2) As an apprentice in a registered apprenticeship program validated by the United States Department of Labor or DLIR; or
- 3) In an occupation, in which the minor has completed a vocational or career education program approved by the Department of Education (DOE).

The DLIR offers comments on the proposal—the proposed amendments have no affect on the law.

II. CURRENT LAW

Chapter 390, HRS, Child Labor Law, provides for the employment of minors under eighteen years of age and sets conditions under which they may be employed to ensure their health, safety, and well-being.

§390-2(a) prohibits minors from working in connection with adult entertainment or in any hazardous occupation except as prescribed by rule (administrative law).

§390-2(b) allows a minor who has attained the age of sixteen years but not eighteen years to be employed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from

attending school, provided that the employer of the minor records and keeps on file the number of a valid certificate of age issued to the minor by the DLIR.

§390-2(c) allows a minor who has attained the age of fourteen years but not sixteen years to be employed:

- 1) During periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;
- 2) If the employer of the minor procures and keeps on file a valid certificate of employment;
- 3) No more than five hours continuously without an interval of at least thirty consecutive minutes for a rest or lunch period;
- 4) Between 7:00 a.m. and 7:00 p.m. of any day; provided that during any authorized school break, the minor may be employed between 6:00 a.m. and 9:00 p.m.;
- 5) No more than six consecutive days;
- 6) No more than eighteen hours in a calendar week during which the minor is legally required to attend school, and no more than forty hours in a calendar week during which the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;
- 7) No more than three hours on any school day; and
- 8) No more than eight hours on any non-school day.

§390-2(d) allows a minor under fourteen years of age to be employed in theatrical employment or in harvesting of coffee under circumstances and conditions prescribed by the Director by rule.

Title 12, Chapter 25, Subchapter 4 (Hawaii Administrative Rules (HAR))
Hazardous Occupations includes:

- §12-25-43 (Occupations in operation of power-driven woodworking machines)
- §12-25-46 (Occupations involved in the operation of power-driven metal forming, punching, and shearing machines)
- §12-25-47 (Occupations in or about slaughtering and meat packing establishments and rendering plants)
- §12-25-49 (Occupations involved in the operation of certain power-driven paper products machines)
- §12-25-51 (Occupations involved in the operation of circular saws, band saws, and guillotine shears)
- §12-25-53 (Occupations involved in roofing operations), and
- §12-25-54 (Occupations involved in excavation operations)

These provisions contain exemptions from employment in hazardous occupations for any apprentice, trainee, student-learner, or enrollee if:

- 1) The apprentice or trainee is a party to an apprenticeship or trainee agreement registered with the DLIR within thirty days after execution of

- the agreement and the work of the apprentice or trainee in the occupation declared hazardous is incidental to the training; or
- 2) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a bona fide vocational training program authorized and approved by the department of education; provided that:
 - a. The employment is intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person; and
 - b. Safety instructions are given by the school and correlated by the employer with on-the-job training; or
 - 3) The enrollee is enrolled in a work training program approved and conducted by or under the auspices of a government agency.

III. COMMENTS ON THE SENATE BILL

Certain occupations deemed hazardous have existing exceptions as specified in Title 12, Chapter 25, Subchapter 4, HAR, under Sections 12-25-43, 12-25-46, 12-25-47, 12-25-49, 12-25-51, 12-25-53, and 12-25-54, whereby the hazardous occupation provisions are not applicable when a minor is employed as an apprentice, student-learner, or an enrollee in a work training program, under the conditions specified in the respective provisions of the administrative rules.

The amendments proposed in SD1 do not affect the law. The SD1 proposes to add three employment situations as allowable employment. These three programs are not prohibited under the current law and are already considered as allowable employment as prescribed in the HAR. Since the proposed exceptions are already outlined in the HAR and permit minors to be employed in certain hazardous occupations under the conditions specified, it is not necessary to amend the HRS.

Page 6, lines 1 to 13, the proposed subsection (e) is out of sequence with the order of the age groups listed in Section 390-2, HRS. Section 390-2(a) covers under eighteen years of age, Section 390-2(b) applies to ages sixteen and seventeen, Section 390-2(c) relates to age fourteen and fifteen, and Section 390-2(d), pertains to minors under fourteen years of age.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

KEITH T. HAYASHI
INTERIM SUPERINTENDENT

Date: 03/01/2022

Time: 09:30 AM

Location: Via Videoconference

Committee: Senate Judiciary

Department: Education

Person Testifying: Interim Superintendent Keith Hayashi
Hawaii State Department of Education

Title of Bill: SB 2711, SD1 RELATING TO EDUCATION.

Purpose of Bill: Specifies additional exceptions under child labor laws to include certain work-based learning programs. Defines youth vocational training program or internship. Allows employment in youth vocational training programs or internships under chapter 390, Hawaii Revised Statutes. Effective 7/1/2050. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 2711, SD1, which updates the list of exceptions under state child labor laws to include work-based learning experiences such as internships and apprenticeships. SB 2711, SD1 includes additional requirements for participation in vocational and student internship opportunities that provide safeguards to address the concerns raised about labor exploitation by employers. The safety and well-being of students are priorities of the Department. As such, the Department supports these changes but would defer to the Department of Labor and Industrial Relations in regards to the legal implications this measure could have on current labor laws.

Work-based learning is an essential component of a high-quality Career and Technical Education (CTE) program of study and provides students with invaluable real-world work experiences. Currently, high school students who participate in school-approved work-based learning opportunities are concurrently enrolled in CTE courses that have an occupational focus.

Thank you for allowing the Department to provide testimony on this measure.



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David Miyashiro
Executive Director

March 1, 2022

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

HawaiiKidsCAN strongly supports SB2711 SD1, which specifies additional exceptions under child labor laws to include certain work-based learning programs; defines youth vocational training program or internship; and allows employment in youth vocational training programs or internships under chapter 390, Hawaii Revised Statutes.

Founded in 2017, HawaiiKidsCAN is a local nonprofit organization committed to ensuring that Hawaii has an excellent and equitable education system that reflects the true voices of our communities and, in turn, has a transformational impact on our children and our state. We strongly believe that all students should have access to excellent educational opportunities, regardless of family income levels and circumstances.

Over the last 5-8 years, schools have been incredibly innovative in terms of the career readiness programs they can offer students, including the rapid expansion of the career academy model in high schools. This is extremely promising for our local students, economy, and community, as these programs have the potential to help change the trajectory of our state. Hawaii continues to be a place that is losing population, and research shows that a significant number of young and educated former residents have now found other states their home.¹ Addressing and fundamentally changing this trajectory will require cross-sector strategies that look at how we are equipping our young people to live, play, and work in Hawaii.

¹ <https://www.civilbeat.org/2022/01/hawaiis-population-drain-outpaces-most-states-again/#:~:text=From%20July%202020%20to%20July,from%20the%20U.S.%20Census%20Bureau.&text=This%20means%20about%2014%2C500%20people,Hawaii%20has%20lost%2030%2C000%20residents.>

Hawaii has the potential to be among the global leaders in preparing our kids for careers, especially if we commit to access for all students. In Switzerland, for example, student pairing with businesses begins at the age of sixteen, with 71 percent of high schoolers participating in all fields (trades, blue- and white-collar occupations). Spending up to three days per week working in industry-specific training, the Swiss youth earn a monthly stipend of between \$800 and \$1,400. Upon graduation from high school at the age of nineteen or twenty, students leave with a diploma, several years of work experience, a sizable savings cushion, and typically an in-hand offer from an employer or a targeted higher-education pathway.²

To take Hawaii to the next level, we need to ensure Hawaii's policy infrastructure is modern and aligned with national best practices to better encourage local employers to offer meaningful work-based learning partnerships to as many students as possible.

SB2711 SD1 does not take Hawaii out of the mainstream of state efforts or out of compliance. For example, Delaware has exceptions for programs like work-study, student learner, or apprenticeships, where employment is procured and supervised by schools or by a federal or state-monitored apprenticeship program. Other states such as Arizona, Tennessee, and Oregon have already made similar updates.

Similarly, the federal government does not require work permits or proof-of-age certificates for a minor to be employed. Under SB2711 SD1, the relevant work-based learning experiences are official school and DOE programs, which provide ample oversight and protections, and CTE programs of study already include coursework and multiple iterations of safety training.

By making this update, we know that more schools and employers will have the clarity and confidence to offer quality programs that benefit students. If we are to achieve equity as a state, we need systemwide approaches to expand career readiness to all students.

Mahalo for your consideration,

David Miyashiro
Founding Executive Director
HawaiiKidsCAN

² <https://epicenter.wcfia.harvard.edu/blog/our-labor-market-crisis-paving-new-path-future-work>



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the Senate Committee on Judiciary
Tuesday, March 1, 2022, at 9:30 A.M.
Via Videoconference**

RE: SB 2711 SD1 Relating to Education

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2711 SD1, which specifies additional exceptions under child labor laws to include certain work-based learning programs. Defines youth vocational training program or internship. Allows employment in youth vocational training programs or internships under chapter 390, Hawaii Revised Statutes

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Through strategic and deliberate collaboration, the Chamber is investing in K-12 career and technical education, and synergy with business community, resulting in new industry partner connections, sector-driven workforce development solutions, increased certification attainment, and high-quality work-based learning (WBL) experiences.

The Chamber supports amending state child labor laws so that they do not unnecessarily stifle student access to quality work-based learning and internship opportunities. We believe our local work-based learning (WBL), internship and apprenticeship programs would benefit if Hawaii were to update its child labor law exemptions to at least align with best practices from around the country. We need to do more to encourage employers to provide on-the-job training and believe current child labor laws are overly restrictive.

Thank you for the opportunity to testify.

SB-2711-SD-1

Submitted on: 2/25/2022 12:04:34 PM

Testimony for JDC on 3/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andrew Stever	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,**I am a teacher at Hawai'i Academy of Arts and Science PCS, and I'm proud to support SB2711 SD1.****Over the last decade, schools have been incredibly innovative in terms of the career readiness programs they can offer students, including the rapid expansion of the career academy model in high schools.****Hawai'i has the potential to be among the global leaders in preparing our kids for careers, especially if we commit to access for all students. In Switzerland, for example, student pairing with businesses begins at sixteen, with 71 percent of high schoolers participating in all fields (trades, blue- and white-collar occupations).****To take Hawai'i to the next level, we need to ensure Hawai'i's policy infrastructure is modern and aligned with national best practices to better encourage local employers to offer meaningful work-based learning partnerships to as many students as possible. At the most basic level, that means following national best practices to have our statutes recognize quality school-based programs and the minimum parameters for student participation. Hawai'i is not reinventing the wheel, as states such as Delaware, Arizona, Tennessee, and Oregon have already made similar updates.****By making this update, we know that more schools and employers will have the clarity and confidence to offer quality programs that benefit students, and that students will have better protections and supports.****Mahalo,
Andy Stever**

SB-2711-SD-1

Submitted on: 2/26/2022 12:08:33 AM

Testimony for JDC on 3/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allison Mikuni	Individual	Support	No

Comments:

Please support this legislation which would assist schools and employers to be able to provide greater employment opportunities for more people in our state, thus boosting our economy and improving individual well-being.

SB-2711-SD-1

Submitted on: 2/26/2022 1:19:55 AM

Testimony for JDC on 3/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Pcola_Davis	Individual	Support	No

Comments:

I support this bill as written, no amendments

SB-2711-SD-1

Submitted on: 2/27/2022 11:21:42 PM

Testimony for JDC on 3/1/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anjuliet Alcaraz	Individual	Support	No

Comments:

February 27, 2022

To: The Honorable Karl Rhoads, Chair,
The Honorable Jarrett Keohokalole, Vice Chair, and
Members of the Senate Committee on Judiciary

Title of Bill: SB 2711 Relating to Education**Date:** Tuesday, March 1, 2022**Time:** 9:30 a.m. (JDC)**Place:** Via Videoconference

My name is Anjuliet E. Alcaraz and I am a student at the University of Hawaii-Manoa, Social Work program. I am testifying in support of SB 2711, which specifies additional exceptions under child labor laws to include certain work-based learning programs. Allowing employment in youth vocational training programs or internships under chapter 390, Hawaii Revised Statutes.

Growing up in my community, I have always wanted to have an opportunity like this, having the ability to do some type of work-study that may jump-start career readiness. SB 2711 is a great bill and should pass as a law because this allows students to gain employer-school experience prior to becoming an adult. This will benefit Hawaii students now and for the future and their own stability. You will give students the hope of a kick start as they start the real world when they graduate from high school. The students will be able to learn any vocational training that is allowed by their learning establishment to give the student experience on what they would like to pursue when they graduate.

We need to encourage our Hawaii students to engage in employment in youth vocational training programs or internships for the embitterment of their future!

Mahalo for giving me the opportunity to testify.

Respectfully,

Anjuliet E. Alcaraz

anjuliet@hawaii.edu