

**A Bill for an Act Relating to Employment of Patients at Facilities for the Treatment
of Persons Suffering from Hansen's Disease.**

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to raise the compensation of patient employees at Hansen's disease facilities to minimum wage rates.

SECTION 2. Section 326-21, Hawaii Revised Statutes, is renumbered and amended to read:

"[§326-21 Labor of patients by consent. The department of health, with the consent of patients, may require the performance of a reasonable amount of labor or service as may be approved by the attending physician. For service rendered, the compensation of a patient shall be set by the department as a percentage of the minimum wage as established by section 387-2. The department shall establish a patient pay plan for six grades of work. The pay for grade I employees shall be equal to fifty-three per cent of the minimum wage established by section 387-2. The pay for grade VI employees shall be seventy and one-half per cent of the minimum wage as established by section 387-2. There shall be a spread of three and one-half per cent between each of the grades from one to six. The department of health shall set the pay for any other patient employee not covered under the foregoing six grade pay plan.]

§326-22 Compensation of patient employees. The compensation for patients employed under section 326-21 shall be set by the department of health; provided that in no case shall the compensation be less than the minimum wage as established by section 387-2.

Each patient employee of the department shall be entitled to and granted a vacation with pay each calendar year, calculated at the following rate:

For patients working six hours a day, one and one-half days for each month of service;

For patients working five hours a day, one and one-quarter days for each month of service;

For patients working four hours a day, one day for each month of service.

A month of service is defined as eighty or more hours of work which may be accumulated over any period of time to total eighty hours. No more than twelve months of service may be earned and credited in any calendar year, even if the total number of hours worked should exceed nine hundred sixty hours."

SECTION 3. Section 326-22, Hawaii Revised Statutes, is renumbered and amended to read:

"[§326-22 Labor by patients; employment of released and discharged patients. All outside labor, including yard work, may be performed by patients at any hospital, settlement, or place for the care and treatment of persons suffering from Hansen's disease, as far as patient labor is available, and all the patient laborers shall be compensated in accordance with the rates established in section 326-21.]

§326-21 Employment of patients. The department of health, with the consent of a patient and the patient's attending physician, may employ that patient to perform labor or service as may be approved by the attending physician, at any hospital, settlement, or place for the care and treatment of persons suffering from Hansen's disease.

When there are vacancies in positions, classified under chapters 76 and 77, which are of such nature that the health of the public or of other nonpatient staff members will not be in danger by their being filled by individuals living with or associating closely with active patients, at any hospital, settlement, or place exclusively for the care and treatment of persons suffering from Hansen's disease, employment preference shall be given to temporary release patients and discharged patients from any such hospital, settlement, or place; provided that the persons so hired shall be otherwise qualified under chapters 76 and 77.

Discharged patients who have been employed prior to December 30, 1960, under chapters 76 and 77 in accordance with the second paragraph of this section shall be eligible to receive the same rights and privileges as those enjoyed by temporary release patients employed under the second paragraph of this section."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 6, 1983.)