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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT OF MINORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1       SECTION 1. Section 390-2, Hawaii Revised Statutes, is  
2 amended by amending subsections (b) to (d) to read as follows:
- 3       "(b) A minor who has attained the age of sixteen years but  
4 not eighteen years may be employed during periods when the minor  
5 is not legally required to attend school or when the minor is  
6 excused by school authorities from attending school [✓] for  
7 reasons other than school suspension; provided that the employer  
8 of the minor records and keeps on file the number of a valid  
9 certificate of [age] employment issued [~~to the minor~~] by the  
10 department [-]; provided further that the minor shall not work:
- 11       (1) More than twenty-eight hours per week; and  
12       (2) After 10:00 p.m. during the school week; provided that  
13       the director may exempt the minor from this paragraph  
14       in cases of financial hardship, subject to criteria  
15       established by rule.
- 16       (c) A minor who has attained the age of fourteen years but  
17 not sixteen years may be employed or permitted to work:



- 1           (1) During periods when the minor is not legally required  
2           to attend school or when the minor is excused by  
3           school authorities from attending school[+] for  
4           reasons other than school suspension;
- 5           (2) If the employer of the minor procures and keeps on  
6           file a valid certificate of employment;
- 7           (3) No more than five hours continuously without an  
8           interval of at least thirty consecutive minutes for a  
9           rest or lunch period;
- 10          (4) Between 7:00 a.m. and 7:00 p.m. of any day; provided  
11          that during any authorized school break, the minor may  
12          be employed between 6:00 a.m. and 9:00 p.m.;
- 13          (5) No more than six consecutive days;
- 14          (6) No more than [~~eighteen~~] twenty hours in a calendar  
15          week during which the minor is legally required to  
16          attend school, and no more than forty hours in a  
17          calendar week during which the minor is not legally  
18          required to attend school or when the minor is excused  
19          by school authorities from attending school;
- 20          (7) No more than three hours on any school day; and
- 21          (8) No more than eight hours on any nonschool day.

1 (d) A minor under fourteen years of age may be employed or  
2 permitted to work in theatrical employment or in harvesting of  
3 coffee under circumstances and conditions prescribed by the  
4 director by rule; provided that:

5 (1) The work is performed during periods when the minor is  
6 not legally required to attend school or when the  
7 minor is excused by school authorities from attending  
8 school[+] for reasons other than school suspension;

9 (2) With respect to employment in harvesting of coffee,  
10 the director has determined after a public hearing  
11 that sufficient adult labor to perform the work is  
12 unavailable; and

13 (3) The employer of the minor procures and keeps on file a  
14 valid certificate of employment."

15 SECTION 2. Section 390-3, Hawaii Revised Statutes, is  
16 amended as follows:

17 1. By amending the title and subsection (a) to read:

18 "[+]§390-3[+] **Certificates of employment** [~~and age~~]. (a)  
19 Certificates of employment [~~and age~~] shall be issued by persons  
20 appointed by the director in the form and under conditions  
21 prescribed by the director[-]; provided that an employer shall



1 obtain a certificate of employment for any hired minor who is  
2 eligible to be employed under this chapter."

3 2. By amending subsection (d) to read:

4 "(d) The department may destroy or dispose of any  
5 certificate of employment on file which was issued on behalf of  
6 a minor who has attained the age of eighteen years and any  
7 application for a certificate of employment [~~er-age~~] which was  
8 filed with the department more than five years prior to the  
9 destruction or disposition."

10 SECTION 3. Section 390-4, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "[+]§390-4[+] **Suspension, revocation, invalidation of**  
13 **certificate.** The director may suspend, revoke or invalidate any  
14 certificate of employment [~~er-age~~] if in the director's judgment  
15 it was improperly issued, the minor is illegally employed, or  
16 the nature or condition of employment is such as to injuriously  
17 affect the health, safety or well-being of the minor or  
18 contribute toward the minor's delinquency."

19 SECTION 4. Section 390-5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§390-5 Exceptions. This chapter shall not apply to any  
2 minor employed:

- 3           (1) By the minor's parent or legal guardian;
- 4           (2) In performance of work in connection with the sale or  
5           distribution of newspapers;
- 6           (3) In domestic service in or about the private home of  
7           the employer;
- 8           (4) As a golf caddy; or
- 9           (5) By any religious, charitable, or nonprofit  
10           organization in exempt employment as prescribed by the  
11           director by rule;

12 provided that such employment is during periods when the minor  
13 is not legally required to attend school or when the minor has  
14 been excused by school authorities from attending school [?] for  
15 reasons other than school suspension; in an occupation which has  
16 not been declared by rule of the director to be hazardous; and  
17 not in connection with adult entertainment."

18           SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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# S.B. NO. 2531

1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Dan Claitor* BK



# S.B. NO. 2531

**Report Title:**

Employment of Minors; Prohibitions on Working; Certificate of Employment

**Description:**

Prohibits minors from being employed during a school suspension. Prohibits minors who are sixteen and seventeen years of age from working more than twenty-eight hours per week and after 10:00 p.m. during the school week; provided that the director of labor and industrial relations may exempt the minor from the 10:00 p.m. curfew for financial hardship reasons. Prohibits minors who are fourteen or fifteen years of age from working more than twenty hours in a calendar week. Requires that an employer obtain a certificate of employment for any hired minor who is eligible to be employed. Repeals certificate of age requirement.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

