

CHAPTER 371
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Part I. General Provisions

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Note

Skilled worker and business development center at each University of Hawaii community college. L Sp 2009, c 34.

State additional benefits for unemployed workers in Maui county (repealed October 28, 2017). L 2016, c 70.

Workers' compensation closed claims study by auditor; submission to 2018 legislature. L 2016, c 188.

Working group on documentation for state civil identification card; reports to 2016-2017 legislature (dissolved on June 30, 2017). L 2015, c 243.

Cross References

Civil rights commission, see chapter 368.

Departmental data sharing (improving educational and workforce outcomes), see §27-7.

"PART I. GENERAL PROVISIONS

Note

Sections 371-1 to 371-18 designated as Part I by L 2006, c 290, §2.

§371-1 Definitions. When used in this chapter:

"Appeal board" means the labor and industrial relations [appeals] board.

"Department" means the department of labor and industrial relations.

"Director" means the director of labor and industrial relations.

"Employer" includes every person having control or custody of any employment, place of employment, or of any employee, but shall not include the United States or the State or any political subdivision thereof. [L 1939, c 237, pt of §1; RL 1945, §4101; am L 1955, c 19, §1(a); RL 1955, §88-1; am L 1959, c 264, §1; am L Sp 1959 2d, c 1, §38; HRS §371-1]

Revision Note

Definitions rearranged pursuant to §23G-15.

" **§371-2 Definition: references to "this chapter".** Whenever in this chapter reference is made to "this chapter", the term, unless the context clearly indicates otherwise, includes also any other chapter or section of the Revised

Statutes amended by Act 237 of the Session Laws of Hawaii 1939, and any other provisions of the Act. [L 1939, c 237, §1(20); RL 1945, §4102; RL 1955, §88-2; HRS §371-2]

" **§371-3 Legal assistance.** The attorney general shall be the legal advisor to the department of labor and industrial relations, and all legal duties involved in the work of the department shall be performed by the department of the attorney general. [L 1953, c 105, §3; RL 1955, §88-5; HRS §371-3]

Cross References

Attorney general, generally, see chapter 28.

" **§371-4 Labor and industrial relations appeals board.** (a) There is created a labor and industrial relations appeals board composed of three members nominated and, by and with the advice and consent of the senate, appointed by the governor for terms of ten years each, except that the terms of members first appointed shall be for six, eight, and ten years respectively as designated by the governor at the time of appointments. The governor shall designate the chairperson of the board, who shall be an attorney at law licensed to practice in all of the courts of this State. Each member shall hold office until the member's successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. The members shall devote full time to their duties as members of the board. Effective July 1, 2005, the chairperson of the board shall be paid a salary set at eighty-seven per cent of the salary of the director of labor and industrial relations, and the salary of each of the other members shall be ninety-five per cent of the chairperson's salary.

(b) The board shall have power to decide appeals from decisions and orders of the director of labor and industrial relations issued under the workers' compensation law and any other law for which an appeal to the board is provided by law.

(c) For purposes of appeals to the board conducted pursuant to chapter 91, notwithstanding section 91-9.5, all parties shall be given written notice of hearing by first class mail at least fifteen days before the hearing.

(d) Unless otherwise provided by law, if service by first class mail is not made because the board or its agents have been unable to ascertain the address of the party after reasonable

and diligent inquiry, the notice of hearing may be given to the party by online posting on the board's webpage or by publication at least once in each of two successive weeks in a newspaper of general circulation. The online posting or last published notice shall appear at least fifteen days prior to the date of the hearing. The online posting shall be removed from the webpage no less than five business days after the date of the hearing.

(e) A decision concurred in by any two members shall constitute a decision of the board.

(f) A vacancy in the board, if there remain two members of it, shall not impair the authority of two members to act.

(g) If any member of the board is unable to act because of absence, temporary disability, or disqualification, the governor may make a temporary appointment and the appointee shall have all the powers and duties of a regular member of the board.

(h) The chairperson of the appeal board shall be responsible for the administrative functions of the appeal board. The appeal board may:

- (1) Appoint an executive officer and hearings officer, and employ other employees as it deems necessary in the performance of its functions;
- (2) Set the duties and compensation of the executive officer, hearings officer, and employees; and
- (3) Provide for the reimbursement of actual and necessary expenses incurred by the executive officer, hearings officer, and employees in the performance of their duties, within the amounts made available by appropriations therefor.

Members of the appeal board and employees other than clerical and stenographic employees shall be exempt from chapters 76 and 89. Clerical and stenographic employees shall be employed in accordance with chapter 76.

(i) The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only.

(j) The board may adopt rules within its area of responsibilities in accordance with chapter 91.

(k) The board may make or issue any order or take other appropriate steps as may be necessary to enforce its rules and orders and to carry into full effect the powers and duties given to it by law. The board may after notice and reasonable opportunity to be heard by the board:

- (1) Impose administrative sanctions; and
- (2) Impose monetary sanctions of not more than \$250 for each offense against any person who is found to have violated the board's rules or orders, which amounts

shall be deposited into the special compensation fund created by section 386-151.

The board shall determine and direct the appropriate notice and form for such opportunity to be heard. [L 1939, c 237, pt of §1(7); RL 1945, §4109; RL 1955, §88-10; am L Sp 1959 2d, c 1, §5; HRS §371-4; am L 1969, c 244, §1a; am L 1975, c 5, §1, c 41, §1, and c 58, §18; am L 1982, c 129, §15; gen ch 1985; am L 1986, c 128, §14; am L 1989, c 329, §12; am L 1990, c 140, §7; gen ch 1993; am L 1994, c 92, §2; am L 2000, c 253, §150; am L 2002, c 148, §41; am L 2005, c 226, §12; am L 2009, c 3, §2; am L 2012, c 261, §1; am L 2013, c 14, §1; am L 2015, c 4, §1]

Cross References

Boards, generally, see §26-34.

Attorney General Opinions

Member holding over will be a de jure, not merely a de facto, officer. Att. Gen. Op. 73-7.

Neither the disability compensation division (DCD) nor the labor and industrial relations appeals board (LIRAB) is an "entity" for purposes of chapter 323C when it reviews, evaluates, and decides on claims for workers' compensation; some provisions of chapter 323C apply to each in its adjudicatory capacity because the DCD and the LIRAB receive protected health information when they process workers' compensation claims. Att. Gen. Op. 2000-2.

Subsection (a) is constitutional, with regard to the use of the phrase "appointed and qualified" to describe when a successor's appointment terminates a holdover member's position. Att. Gen. Op. 16-3.

Case Notes

Board is an agency within meaning of §91-1. 54 H. 479, 510 P.2d 89 (1973).

" **§371-5 REPEALED.** L 1969, c 244, §1b.

" **§371-6 Powers respecting oaths, subpoenas, etc.; witness fees, expenses, immunities.** In all hearings or investigations conducted by the director of labor and industrial relations, or any of the director's duly authorized subordinates, including a hearings officer appointed by the appeal board under section 371-4, or the appeal board, with respect to any matters cognizable by any of them, each of the officers, and each member

of the board, shall have the same powers respecting the administering of oaths, compelling the attendance of witnesses, the production of documentary evidence, and examining or causing to be examined witnesses, as are possessed by a circuit court and may take depositions and certify to official acts. The circuit court of any circuit upon application by any of them shall have power to enforce by proper proceedings the attendance and testimony of any witness so subpoenaed. Subpoena and witness fees and mileage in such cases shall be the same as in criminal cases in the circuit courts. Necessary expenses of or in connection with any such hearings or investigations shall be payable from the funds appropriated for expenses of administration for the department of labor and industrial relations.

No person shall be excused from attending or testifying or producing material, books, papers, correspondence, memoranda, and other records, before the director, the director's duly authorized subordinate, including a hearings officer appointed by the appeal board under section 371-4, or the appeal board, or in obedience to the subpoena of any of them, in any cause or proceeding before them, on the grounds that the testimony and evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the individual is compelled, after having claimed the individual's privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individuals so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. [L 1939, c 237, §1(8); RL 1945, §4111; RL 1955, §88-12; am L Sp 1959 2d, c 1, §27; HRS §371-6; am L 1973, c 31, pt of §21; gen ch 1985; am L 2009, c 3, §3]

Cross References

Hearings, see chapter 91.
Oaths, see §§1-21, 621-12.
Subpoenas, see §621-1.

Rules of Court

Oaths, see HRCF rule 43(d).
Subpoenas, see HRCF rule 45.

" **§371-7 Duties and powers of the department; rules, procedure for varying.** In addition to any other duties and powers as may be conferred upon the department of labor and industrial relations by law, the department shall:

- (1) File with the governor a written report or reports at times, at least once in each year, and in a form as shall be requested by the governor covering the condition and activities of the department;
- (2) Make, modify, and repeal reasonable rules of general application for the protection of life, health, and safety of employees in every employment or place of employment; provided that the rules shall not conflict with any rules of the department of health covering the same subject matter; provided further that rules pertaining to any workers' compensation case arising under chapter 386 shall be adopted or amended as specified in section 386-72; and
- (3) Make, modify, and repeal such other reasonable rules of general application as may be necessary to carry into effect this chapter.

The rules of the department and any amendments thereto, when adopted in accordance with chapter 91, shall have the force and effect of law and shall be enforced in the same manner as this chapter.

If there are practical difficulties or unnecessary hardships in carrying out a rule, the director of labor and industrial relations, after public hearing, may make a variation from the requirement if the spirit of the rule is observed. Any person affected by the rule, or the person's agent, may petition for variation, stating the grounds therefor. The director shall fix a day for a hearing on the petition and give reasonable notice thereof to the petitioner. A properly indexed record of all variations made shall be kept in the office of the department and shall be open to public inspection.

Any interested person may obtain a ruling as to the validity or applicability of any rule in the manner provided in chapter 91. [L 1939, c 237, §1(9); RL 1945, §4112; am L 1951, c 23, §1; RL 1955, §88-13; am L Sp 1959 2d, c 1, §§19, 27; am L 1965, c 96, §63; HRS §371-7; gen ch 1985; am L Sp 2005, c 11, §2]

Cross References

Annual reports, see §93-12.

General authority and organization, see §26-20.

" **§371-8 Duties and powers of director; enforcement of rules.** In addition to any other duties and powers as may be conferred upon the director by law, the director of labor and industrial relations shall:

- (1) Supervise and direct the operations and functions of the department of labor and industrial relations;
- (2) Cause the enforcement of rules; and
- (3) Propose rules or changes in rules, as the director deems advisable for the protection of life, health, and safety of employees, in every employment or place of employment; provided that rules pertaining to workers' compensation cases arising under chapter 386 shall be adopted or amended as specified in section 386-72. The director may appoint committees composed of employers, employees, and experts to suggest rules or changes therein.

The director may make, amend, and repeal rules necessary for the internal administration of the department and for the proper conduct of hearings before the director or the director's authorized agents under this section. The director shall not be bound by technical rules of evidence in the conduct of these hearings. [L 1939, c 237, §1(11); RL 1945, §4114; am L 1949, c 102, §1; am L 1955, c 25, §1; RL 1955, §88-15; am L Sp 1959 2d, c 1, §27; am L 1963, c 158, §1; HRS §371-8; gen ch 1985; am L Sp 2005, c 11, §3]

Cross References

Rulemaking, see chapter 91.

" **§371-9 Penalties.** (a) Any employer, employee, or other person who wilfully violates any lawful rule of the department for which no penalty is otherwise provided shall be fined not more than \$250, or imprisoned not more than six months, or both, for each such offense.

(b) Any person who, after twenty-one days written notice and the opportunity to be heard by the director, is found to have violated any lawful rule of the department for which no penalty is otherwise provided, shall be fined not more than \$250 for each offense. [L 1939, c 237, §1(13); RL 1945, §4116; am L 1955, c 19, §1(b); RL 1955, §88-17; am L Sp 1959 2d, c 1, §27; HRS §371-9; am L 1991, c 107, §4]

" **§371-10 Mediation of labor disputes.** The governor or the governor's designated agent shall promote the voluntary mediation of disputes between employers and employees, and avoid the necessity of resorting to lockouts, boycotts, blacklists,

strikes, discriminations, and legal proceedings in the matters of employment. In pursuance of this duty, the governor or the governor's designated agent may appoint temporary boards of mediation, consisting of one or more members, provide necessary expenses of such boards, order reasonable compensation not exceeding \$10 a day for each member engaged in such mediation, prescribe rules of procedure for such boards, conduct investigations and hearings, and may do all things convenient and necessary to accomplish the purposes of this paragraph. The governor or the governor's designated agent may designate the director of labor and industrial relations to act as mediator.

Whenever a controversy arises between an employer and the employer's employees which is not settled either in conference between the representatives of the parties or through mediation in the manner provided in this section, the controversy may by agreement of the parties be submitted to arbitration by three persons, one to be selected by the employer, one to be selected by the employees and the two so selected to select the third.

Whenever the governor finds that all reasonable efforts for mediation have been made and failed and that the parties are unable or refuse to enter into an agreement for arbitration, the governor may appoint an emergency board of disinterested persons to investigate and report respecting the controversy. The board shall be composed of such number of persons as the governor may deem desirable. The compensation of the members of the board shall be fixed by the governor, which compensation, together with all necessary traveling and other expenses, shall be provided by the director out of funds made available to the department of labor and industrial relations. The board shall be created separately in each instance and it shall investigate promptly the facts as to the controversy and report thereon, together with its recommendations, to the governor with all reasonable dispatch and in any event not later than thirty days from the date of its creation. [L 1939, c 237, §1(12); RL 1945, §4115; RL 1955, §88-16; am L Sp 1959 2d, c 1, §27; HRS §371-10; gen ch 1985]

Cross References

Appointment of conciliator, see §377-3.

" **§371-11 Research and statistics; employers to keep certain records.** The department of labor and industrial relations:

- (1) Shall investigate and gather data regarding the wages, hours, and other conditions and practices of employment in the State, and may enter and inspect places and records, and make transcriptions thereof,

and investigate facts, conditions, practices, or matters as are necessary or appropriate to carry into effect the duties imposed upon it under this chapter or under the rules of the department;

- (2) May investigate, collect, and publish information relating to the cost of living in the State as it deems advisable; and
- (3) Shall collect, file, and publish information relating to labor and industrial relations and shall perform other duties as the director of labor and industrial relations shall by rule prescribe.

Every employer subject to this chapter or any rule or regulation of the department issued under this chapter shall make, keep, and preserve records of the persons employed by the employer and of the wages, hours, and other conditions and practices of employment, maintained by the employer, and preserve the records for periods of time, as the department may by rule prescribe. In addition, every employer, regardless of whether they use a professional employer organization or a third-party administrator, shall keep a record of the former physical addresses and current physical address of the employer and the North American Industry Classification System code applicable to the employer.

The director or the director's authorized representative shall for the purpose of examination have access to and the right to copy from the records any matter or thing pertinent to this section, and every employer shall furnish to the director or the director's authorized representative on demand a copy under oath of the material portion of the records as the director or the director's authorized representative requires, and if the director so requires, upon forms prescribed or approved by the director.

The department shall adopt all necessary rules and regulations to carry out the purposes of this section. [L 1939, c 237, §1(14); RL 1945, §4117; RL 1955, §88-18; am L 1957, c 135, §2; am L Sp 1959 2d, c 1, §27; HRS §371-11; gen ch 1985; am L 2016, c 190, §1]

Cross References

Rulemaking, see chapter 91.

" **§371-12 Labor law enforcement; injunction.** The department of labor and industrial relations shall:

- (1) Enforce the child labor provisions of this chapter;
- (2) Enforce this chapter relative to the regulation of commercial employment agencies;
- (3) Enforce any other labor laws enacted by the legislature of the State;
- (4) Enforce the provisions of section 394B-9 regarding dislocated workers;
- (5) Enforce any rules or regulations of the department. The department may institute proceedings to enjoin any employer from violating this chapter or the rules or regulations of the department when any such employer is violating any such provision or is threatening to do so and the circuit courts are hereby vested with jurisdiction in the premises;
- (6) Conduct investigations in connection with the foregoing; and
- (7) Perform such additional duties as the director of labor and industrial relations shall by rule prescribe. [L 1939, c 237, §1(15); RL 1945, §4118; RL 1955, §88-19; am L Sp 1959 2d, c 1, §27; HRS §371-12; am L 1973, c 31, pt of §21; am L 2011, c 137, §1]

Cross References

Child labor, see chapter 390.

Commercial employment agencies, see chapter 373.

Injunctions, see §603-23.

Rules of Court

Injunctions, see HRCPC rule 65.

" **§371-13 Cooperation with federal agencies.** The department of labor and industrial relations may assist and cooperate with the wage and hour division, United States Department of Labor, in the enforcement within this State of the Fair Labor Standards Act of 1938, and, subject to regulations of the administrator of the wage and hour division and the laws of the State applicable to the receipt and expenditure of money, may be reimbursed by the division for the reasonable cost of such assistance and cooperation. [L 1939, c 237, §1(17); RL 1945, §4120; RL 1955, §88-21; am L Sp 1959 2d, c 1, §27; HRS §371-13]

" **§371-14 REPEALED.** L 1969, c 162, §1.

Cross References

Child labor law, see chapter 390.

" **[§371-15] Manpower planning administrator.** The position of manpower planning administrator which shall be exempt from chapter 76 is established within the department of labor and industrial relations. The manpower planning administrator shall be appointed by the director with the concurrence of the state manpower services council. The manpower planning administrator shall supervise and direct operations and functions of the office of manpower planning within the department of labor and industrial relations. The administrator shall also serve as executive director of the state manpower services council as established under the Federal Comprehensive Employment and Training Act of 1973, as amended. [L 1976, c 14, §1; gen ch 1985; am L 2000, c 253, §150]

" **[§371-16] Employers and entities offering long-term care insurance policies.** (a) No later than July 1, 2000, every employer, labor organization, retiree organization, or other entity specified under the definition of "group long-term care insurance" under section 431:10H-104, may apply the guidelines set out in title 29, Code of Federal Regulations, section 2510.3-1(j), as amended, if the employer chooses to offer group or group-type long-term care insurance as a benefit to employees in compliance with the federal Employee Retirement Income Security Act of 1974.

(b) Beginning July 1, 2000, every insurer, if it chooses, shall be allowed by every employer, labor organization, retiree organization, or other entity specified under the definition of "group long-term care insurance", if they choose, to publicize one or more long-term care insurance policies that are made available under section 431:10H-401.

(c) This section shall not be construed to affect the marketing by insurers of individual long-term care insurance policies to an employer, labor organization, retiree organization, or other entity specified under the definition of "group long-term care insurance" under section 431:10H-104. [L 1999, c 93, §3]

" **§371-17 Millennium workforce development training program.** (a) There is established a millennium workforce development training program, hereinafter referred to as the program, that shall be placed with the department of business, economic development, and tourism for administrative purposes. The program shall provide education and training at the post-high

school to graduate levels, and shall include public, private, and for-profit educational institutions. In the design and delivery of training, the program may cooperate or contract with other public, private, and for-profit institutions.

(b) The program shall seek and encourage partnerships with private sector industries such as biotechnology, information technology, environmental science and technology, and telecommunications, as may be appropriate, to provide pre-employment or employment training, or on-the-job training for employees and prospective employees.

(c) The department of business, economic development, and tourism shall establish and lead a public and private partnership task group, that shall include representatives from the department of labor and industrial relations, the University of Hawaii at Manoa, the University of Hawaii community colleges, and private sector representatives to advise on the program design, industry, recruitment, and training delivery activities of participating entities.

(d) In carrying out the duties of this section, the department of business, economic development, and tourism and the University of Hawaii shall seek and utilize any available funding sources, including grant moneys. [L 1999, c 178, §12; am L 2001, c 249, §1]

Note

Skilled worker and business development center at each University of Hawaii community college. L Sp 2009, c 34.

" **[§371-18] Staffing for federally funded programs.** Positions established by the department to implement federally funded employment or training programs, or both, including but not limited to those established under the Comprehensive Employment and Training Act, Job Training Partnership Act, Workforce Investment Act, and the welfare to work program, may be exempt from chapter 76. [L 2003, c 103, §1]

" **[§371-18.5] Workforce advisory boards; established.** (a) In addition to any workforce advisory board established pursuant to this chapter, the director may establish workforce advisory boards to be placed in the department for administrative purposes only. Section 26-34 shall not apply to the workforce advisory boards established pursuant to this section.

(b) The director or the director's designee shall serve as the chairperson of any workforce advisory board.

(c) The director may designate the membership of the workforce advisory boards, and the members shall be selected on the basis of their knowledge, experience, and expertise. The

members may consist of partners, stakeholders, educators, practitioners, and employers in important or emerging businesses or industries that have been identified in the State.

(d) The workforce advisory boards shall:

- (1) Advise the department on strategies for developing the industry workforce, including recommending projects and programs to promote the expansion and development of the industry;
- (2) Develop a mission, objectives, and goals with particular emphasis on pre-service programs and opportunities;
- (3) Advise the department in developing partnerships and cooperative educational programs with providers, organizations, and stakeholders to further the workforce advisory board's mission and objectives;
- (4) Coordinate and align workforce programs and develop strategies to meet worker and employer needs;
- (5) Engage employers across the workforce system to align training with needed skills and match employers with qualified workers;
- (6) Provide new and incumbent worker training and transitional jobs that promote work-based training; and
- (7) Align the performance indicators for core programs, and add new performance indicators related to services to employers and post-secondary credential attainment.

(e) The members of the workforce advisory boards shall serve without compensation, but shall be reimbursed for expenses, including travel expenses, incurred in the performance of their duties and shall serve two-year terms. [L 2015, c 166, §3]

" **[§371-19] Hawaii agriculture workforce advisory board; established.** (a) There is created within the department, for administrative purposes only, the Hawaii agriculture workforce advisory board, which shall include the following members or their designees:

- (1) The director;
- (2) The chairperson of the board of agriculture;
- (3) The superintendent of education;
- (4) The dean of the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (5) The dean of the college of agriculture, forestry, and natural resource management at the University of Hawaii at Hilo;
- (6) A chancellor of a community college within the University of Hawaii system, selected by the other

members of the Hawaii agriculture workforce advisory board;

- (7) The president of the Hawaii Farm Bureau Federation; and
- (8) A representative from the farming community, for a term of two years, to be selected by the chairperson of the board of agriculture.

Section 26-34 shall not apply to the Hawaii agriculture workforce advisory board. The director shall serve as the chairperson of the Hawaii agriculture workforce advisory board.

(b) The Hawaii agriculture workforce advisory board shall advise the department on the following matters:

- (1) Developing the next generation of the agriculture industry workforce in the State;
- (2) Developing the mission, direction, and goals of the Hawaii agriculture workforce advisory board;
- (3) Developing partnerships with agricultural organizations and stakeholders to further the Hawaii agriculture workforce advisory board's mission and objectives;
- (4) Maintaining and supporting the National Future Farmers of America Organization within the State; and
- (5) Recommending projects and programs to promote the expansion and development of the agricultural industry in the State.

(c) The Hawaii agriculture workforce advisory board members shall serve without compensation; provided that the representative from the farming community shall be reimbursed for necessary expenses incurred during the performance of the representative's duties. [L 2013, c 99, §2]

" **[§371-19.2] Hawaii healthcare workforce advisory board; established.** (a) There is established within the department, for administrative purposes, the Hawaii healthcare workforce advisory board, which shall include the following members or their designees:

- (1) The director, who shall serve as the chair;
- (2) The director of health;
- (3) The director of the Hawaii/Pacific basin area health education center;
- (4) The director of the University of Hawaii at Manoa office of public health studies;
- (5) One chancellor of a community college within the University of Hawaii system, to be selected by the other members of the Hawaii healthcare workforce advisory board;
- (6) One member representing a nurse training program; and

- (7) Three representatives from Hawaii's health care community that represent a variety of health care disciplines. The representatives shall be selected by the other members of the Hawaii healthcare workforce advisory board and shall serve two-year terms.
- (b) Section 26-34 shall not apply to the Hawaii healthcare workforce advisory board.
- (c) The Hawaii healthcare workforce advisory board shall:
 - (1) Advise the department on strategies for developing the health care industry workforce, including recommending projects and programs to promote the expansion and development of the health care industry;
 - (2) Develop a mission, objectives, and goals with particular attention to efforts in pre-service programs and opportunities; and
 - (3) Advise the department in developing partnerships with health care providers, organizations, and stakeholders to further the Hawaii healthcare workforce advisory board's mission and objectives.
- (d) Members of the Hawaii healthcare workforce advisory board shall serve without compensation; provided that the representatives from the health care community shall be reimbursed for necessary expenses incurred in the performance of their duties. [L 2015, c 166, §2]

" **§371-20 National Human Trafficking Resource Center hotline; posting requirement; penalty.** (a) Every employer specified in subsection (b) shall post and keep posted in a place readily accessible to individuals in the employer's employ a poster no smaller than eight and one-half inches by eleven inches in size that states the following:

"If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other similar activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under United States and Hawaii law.

The hotline is:

- (1) Available twenty-four hours a day, seven days a week;
- (2) Toll-free;
- (3) Operated by a nonprofit, nongovernmental organization;
- (4) Anonymous and confidential;
- (5) Accessible in one hundred seventy languages; and
- (6) Able to provide help, referral to services, training, and general information."

(b) For purposes of this section, "employer" means any person that:

- (1) Holds a class 5 or class 11 liquor license pursuant to section 281-31;
- (2) Maintains a massage therapy establishment that employs five or more people; or
- (3) Employs one or more erotic or nude massagers or exotic or nude dancers as defined in section 712-1210.

(c) A poster required under subsection (a) shall be printed in English and the director may supplement the required information.

(d) The department shall make available on its public website an electronic version of the poster required by subsection (a) for employers to print.

(e) Any employer who wilfully and knowingly fails, neglects, or refuses to perform any act required by this section shall be fined not more than \$100 for each separate offense. Each day the violation continues shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action. [L 2013, c 245, §1; am L 2015, c 35, §11]

" **[§371-21] K-12 agriculture workforce development pipeline initiative.** (a) There shall be created in the department a k-12 agriculture workforce development pipeline initiative to conduct training sessions for teachers and school administrators on the islands of Oahu, Hawaii, Maui, Molokai, Lanai, and Kauai, regarding agricultural self-sufficiency.

(b) The k-12 agriculture workforce development pipeline initiative shall be headed by a coordinator who shall be appointed by the director, subject to chapter 76, to carry out the purposes of this section, which may include developing and proposing scholarships, travel offsets, course credits, and stipends. The coordinator may hire, subject to chapter 76, necessary staff, including a workforce development specialist, to carry out the purposes of this section.

(c) Course material for the training sessions under subsection (a) shall be approved by the Hawaii agriculture workforce advisory board established pursuant to section 371-19.

(d) The department shall submit annual reports to the legislature on the activities of the k-12 agriculture workforce development pipeline initiative. [L 2016, c 229, §2]

"PART II. LANGUAGE ACCESS--REPEALED

§§371-31 to 371-37 REPEALED. L 2012, c 201, §3.

Cross References

For present provisions, see chapter 321C.