

**"CHAPTER 394
MANPOWER DEVELOPMENT AND TRAINING**

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" **§394-1 Purpose.** The purpose of this chapter is to establish manpower development and training programs in the State of Hawaii and to determine the extent to which the employment needs of individuals can be met by either job training or a public service job or a combination of both. [L 1969, c 251, §1; am L 1971, c 188, §1]

" **§394-2 Establishment of programs.** (a) There is established within the department of labor and industrial relations manpower development and training programs for the various industries in the State. The training programs are to be developed to assist those unemployed and underemployed persons who cannot reasonably be expected to obtain suitable full-time employment without the benefit of training. Instruction and training shall be provided by the department of education and the University of Hawaii system, and/or other suitable agencies. Where a need is indicated to overcome barriers to possible training, the department of labor and industrial relations, either on its own or in cooperation with the various departments and agencies of the state and county governments and private industry, may arrange for transportation, child care, health care and other aids to employment. The department of labor and industrial relations is also authorized to formulate and carry out a program of providing useful public service employment to unemployed persons other than public assistance recipients.

(b) The department of human services is authorized to formulate and carry out a program of providing useful public service employment to public assistance recipients. Refusal to accept suitable work as determined by the department of human services without justifiable reasons shall render an unemployed or underemployed recipient ineligible for public assistance. [L 1969, c 251, §2; am L 1971, c 188, §2; am L 1972, c 53, §1; am L 1987, c 339, §4]

Cross References

Public service employment of public assistance recipients, see §§346-101 to 346-104.

" **§394-3 Contracts; public and private sectors.** (a) The department of labor and industrial relations may enter into contracts for manpower development and training with the department of education, the University of Hawaii system, or other public agencies.

(b) The department of labor and industrial relations also may enter into contracts with private industry for manpower

training and job placement of unemployed persons within such private organizations. The private employer shall be responsible for compensating such persons the minimum wage and the State may assume the differences in wages, if any, by determining the prevailing wage of persons employed in similar positions in private industry during the contract period for such manpower training.

(c) The department of labor and industrial relations shall formulate standards and adopt rules to carry out the purposes of this section. [L 1969, c 251, §3; am L 1971, c 188, §3; am L 1974, c 126, §1]

" **§394-4 Compensation.** The State shall pay to each person who is enrolled in a manpower development and training program a weekly compensation equal to the average weekly benefit amount provided under chapter 383. It may pay to each person who is employed on a public service employment project instituted under section 394-2 the prevailing wages of persons employed in similar public employment. [L 1969, c 251, §4; am L 1971, c 188, §4]

" **§394-5 Administration.** The department of labor and industrial relations is authorized, with the advice of the workforce development council, to plan and administer human resource development and training programs under this chapter. The department shall process the payment of weekly compensation as provided under this chapter. [L 1969, c 251, §5; am L 1971, c 188, §5; am L 1986, c 339, §63; am L 1993, c 6, §16; am L 1997, c 346, §9]

" **[§394-6 Funds.]** The State shall provide funds to cover such actual training costs as instructors' salaries, equipment and supplies. [L 1969, c 251, §6]

" **[§394-7 Type of training.]** Training is to be undertaken for those occupations for which there is reasonable expectation of employment upon completion of training. [L 1969, c 251, §7]

" **[§394-8] New industry training program.** (a) There is hereby established the new industry training program, which shall be administered by the department of labor and industrial relations. Program moneys may be used to tailor training or retraining programs to meet the needs of qualifying businesses, to reimburse instructors for valid and approved expenditures in delivering instruction under the program, to rent appropriate training facilities and equipment, when necessary, to purchase

or develop materials required to deliver the instruction, and for any other training-related expenses.

(b) The department shall utilize the resources of the University of Hawaii, including the community college system, the high technology development corporation, and other educational and training resources in the public and private sectors throughout the State as may be appropriate to be used to provide preemployment or employment training or on-the-job training for local residents hired by businesses relocating to Hawaii or expanding their local operations. The department may contract for these training needs from public agencies including the various University of Hawaii campuses, private educational institutions, nonprofit corporations, or private entities in order to provide the required training. [L 1987, c 241, §2]

" **§394-9 Eligibility requirements.** (a) In order to be eligible for state-assisted training or retraining under section 394-8, businesses must:

- (1) Be licensed to do business in Hawaii;
- (2) Establish or expand operations in Hawaii; and
- (3) Be engaged in research, development, manufacturing, production, or delivery of services in growth industries such as, but not limited to, electronics, software, instrumentation, biotechnology, renewable energy, telecommunications, computers, mariculture, aquaculture, tropical agriculture, Hawaiian natural products, and space applications including astronomical research.

(b) The department may adopt rules to further clarify qualifying businesses and industries, eligible job positions for training, and eligible persons for job training to promote economic expansion within the State and may consult with the department of business, economic development, and tourism prior to issuing these rules. [L 1987, c 241, §3; am L 1988, c 141, §36; am L 1990, c 293, §8]