



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

Date: 02/11/2022

Time: 03:00 PM

Location: CR 229 & Videoconference

Committee: Senate Education
Senate Labor, Culture and the Arts

Department: Education

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

Title of Bill: SB 2711 RELATING TO EDUCATION.

Purpose of Bill: Specifies additional exceptions under child labor laws to include work-based learning programs with employers.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 2711, which updates the list of exceptions under state child labor laws to include work-based learning experiences such as internships and apprenticeships 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 for SB 2711.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

February 11, 2022

To: The Honorable Michelle N. Kidani, Chair,
The Honorable Donna Mercado Kim, Vice Chair, and
Members of the Senate Committee on Education

The Honorable Brian T. Taniguchi, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Labor, Culture and the Arts

Date: Friday, February 11, 2022

Time: 3:00 p.m.

Place: Conference Room 229 & Via Videoconference

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

Re: S.B. 2711 RELATING TO EDUCATION

I. OVERVIEW OF PROPOSED LEGISLATION

SB2711 proposes to amend Section 390-5, Hawaii Revised Statutes (HRS), by adding three exceptions to the Child Labor Law for minors employed:

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

The measure also defines “youth vocational training program or internship”.

The DLIR opposes this measure as it removes the statutory protections for child laborers. The current statute does not prohibit the expanded exemptions sought in proposal, but does require work permits and limitations on age, hours, and total time. If exempted from the statute, all minors and their employers would not be required to register with the department and obtain a certificate of employment (work permit), and they would not be subject to the age, work hours, and time restrictions set forth by law.

II. CURRENT LAW

Section 390-5, HRS, provides for exceptions from Chapter 390, HRS, Child Labor Law, for any minor employed:

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

provided that such employment is during periods when the minor is not legally required to attend school or when the minor has been excused by school authorities from attending school; in an occupation which has not been declared by rule of the director to be hazardous; and not in connection with adult entertainment.

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

The three exceptions that this measure proposes to add to 390-5, HRS, are existing exceptions specified in the 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 certain hazardous occupations 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.

Minors who are not otherwise exempt under Section 390-5, HRS, are covered and protected by the provisions of the Chapter 390, HRS. Adding the proposed exempt categories to the HRS removes child labor protections which were enacted to protect minors from exploitation by employers. The Child Labor Law sets conditions under which minors may be employed to ensure their health, safety, and well-being. An exception will make all provisions of the law not applicable to the minor when the minor is employed under the circumstances deemed to be exempt.

Therefore, if exempt, these minors and their employers would not be required to register with the DLIR and obtain a certificate of employment or age (work permit), and they would not be subject to the age, work hours and time restrictions permitted by law. Minors of any age employed under these exceptions would not be protected from exploitation.

Since the proposed exceptions are already outlined in Title 12, Chapter 25, Subchapter 4, HAR, and permit minors to be employed in certain hazardous occupations under the conditions specified, it is not necessary to amend the HRS. Incorporating these exceptions into the statute will have a negative impact since it would eliminate child labor protections that these minors currently have.



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David Miyashiro
Executive Director

February 11, 2022

Committee on Education
Senator Michelle N. Kidani, Chair
Senator Donna Mercado Kim, Vice Chair

Committee on Labor, Culture and the Arts
Senator Brian T. Taniguchi, Chair
Senator Les Ihara, Jr., Vice Chair

Aloha Chairs Kidani and Taniguchi, Vice Chairs Kim and Ihara, and Members of the Committees,

HawaiiKidsCAN strongly supports SB2711, which specifies additional exceptions under child labor laws to include work-based learning programs with employers.

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

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.>

trajectory will require cross-sector strategies that look at how we are equipping our young people to live, play, and work in Hawaii.

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. 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. Hawaii is not reinventing the wheel, as states such as 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. 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 Education
Friday, February 11, 2022, at 3:30 P.M.
Via Videoconference**

RE: SB 2711 Relating to Education

Chair Kidani, Vice Chair Kim, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2711, which specifies additional exceptions under child labor laws to include work-based learning programs with employers.

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

Submitted on: 2/9/2022 1:34:34 PM

Testimony for EDU on 2/11/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katie Hillstead	Individual	Support	No

Comments:

Hi, this bill I support. Please see my concerns regarding inflation and teacher pay below.

Aloha,

My name is Katie Hillstead. I am a resident of Makakilo and an educator on the leeward coast of Oahu.

I am writing to you as a concerned educator and resident of Hawaii. The Hawaii State Teachers contract has essentially frozen teacher pay for the next school year, additionally teachers took a paycut with the loss of the 21 hours of job embedded professional development.

This concerns me, as inflation is causing daily expenses to rise. As you're aware, the cost of living in Hawaii was already high, but more so now with inflation. My bi-weekly costco run for my family is now totaling over 400\$ each trip, whereas just a few months ago it was only 300\$. **If you have seen a Times ad recently, you will notice that meat that was 5.99\$ a pound is now 7.99\$ a pound. A box of frozen chicken thighs is now 6.99 instead of 5.99 (on sale, might I add). What was once 2 for 5\$, is now 2 for 7\$ and things that were 2 for 6 are now 2 for 8\$. My paycheck is not going as far as it used to, and I fear I may have to leave my home if this trend continues.**

Hawaii cannot afford to lose more teachers. On the coast, several schools are experiencing teachers quitting after semester 1, and leaving the profession all together.

I ask, as a concerned resident and Educator, what are you doing at the legislature to combat inflation for our local families? As well increase teacher pay?

What actions are you taking to support salary compression relief for educators?

What actions are you taking to help local families deal with this inflation?

In my humble opinion, the legislature needs to approve direct payments to families (like stimulus), continue P-EBT to help low-income families afford the now higher priced food items, and encourage the Governor to restore the 21 hours of job-embedded professional development as well as negotiate step movements and across the board raises for all educators to reflect rising inflation.

Mahalo for your time, and I look forward to your response.

Aloha,

Katie Hillstead

Leeward Educator, Parent, concerned resident

808-364-0601

SB-2711

Submitted on: 2/10/2022 2:43:29 PM

Testimony for EDU on 2/11/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Sun	Individual	Support	No

Comments:

I support SB2711. When students are already engaging in project-based learning, we should provide the next natural step: meaningful work-based learning opportunities. Schools should act as partners to connect students to their interests and future careers. Students, unless privileged with parents who have greater social networks, usually cannot find these opportunities on their own. Work-based learning opportunities provided by the school can not only benefit students and by providing a more well-rounded learning experience but can level the playing field.