

JAN 24 2018

A BILL FOR AN ACT

RELATING TO MINIMUM WAGE.

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

1 SECTION 1. Section 103D-1001, Hawaii Revised Statutes, is
2 amended by amending the definition of "qualified community
3 rehabilitation program" to read as follows:

4 "Qualified community rehabilitation program" means a
5 nonprofit community rehabilitation program for persons with
6 disabilities that:

- 7 (1) Is organized and incorporated under the laws of the
8 United States or this State, and located in this
9 State;
- 10 (2) Is operated in the interest of and [±]employs[±]
11 persons with disabilities;
- 12 (3) Does not inure any part of its net income to any
13 shareholder or other individual;
- 14 (4) Complies with all applicable occupational health and
15 safety standards required by the federal, state, and
16 county governments; and



1 (5) Holds a current certificate from the United States
 2 Department of Labor pursuant to the Fair Labor
 3 Standards Act, Title 29 United States Code section
 4 214(c), and is certified by the state department of
 5 labor and industrial relations under [~~section 387-9~~
 6 ~~and~~] applicable administrative rules relating to the
 7 employment of persons with disabilities."

8 SECTION 2. Section 387-9, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "**§387-9 Special minimum wages for learners; apprentices;**
 11 **full-time students; paroled wards of Hawaii youth correctional**
 12 **facility[~~;~~ ~~handicapped workers~~].** (a) Notwithstanding the
 13 provisions of section 387-2, the director may by rule provide
 14 for the employment [~~+~~

15 ~~(1)~~ ~~of~~] of learners, of apprentices, of part-time
 16 employees who are full-time students attending public
 17 or private schools other than colleges, universities,
 18 business schools, or technical schools, and of wards
 19 paroled from the Hawaii youth correctional facility,
 20 under special certificates issued by the director, at
 21 such wages lower than the applicable minimum wage and



1 subject to such limitations as to time, number,
2 proportion, and length of service as the director
3 shall prescribe [~~and~~
4 ~~(2) Of individuals whose earning capacity is impaired by~~
5 ~~old age or physical or mental deficiency or injury,~~
6 ~~under special certificates issued by the director, at~~
7 ~~such wages lower than the applicable minimum wage and~~
8 ~~for such period as shall be fixed in the~~
9 ~~certificates].~~

10 (b) The director may by rule prescribe standards and
11 requirements to ensure that this section will not create a
12 substantial probability of reducing the full-time employment
13 opportunities of persons other than those to whom the special
14 minimum wage rate authorized by this section is applicable."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the



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1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken.

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

6

INTRODUCED BY: 



S.B. NO. 3023

Report Title:

Employment; Minimum Wage; Persons With Disabilities

Description:

Includes persons with disabilities under the minimum wage requirements.

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