

Hawaii Administrative Rules

TITLE 12
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Subtitle 4
Wage Standards Division

CHAPTER 20
WAGE AND HOUR

Subchapter 6 Employment of Paroled Wards of the Hawaii Youth Correctional Facility

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SUBCHAPTER 6

**EMPLOYMENT OF PAROLED WARDS OF THE
HAWAII YOUTH CORRECTIONAL FACILITY**

Historical Note: Subchapter 6, chapter 20 title 12 is based substantially upon "Regulation XXIX, Relating to Employment of Paroled Wards of the Hawaii Youth Correctional Facility" of the Department of Labor and Industrial Relations. [Eff. 9/1/63; R Oct.2, 1981]

§12-20-101 Definitions: As used in this subchapter:

"Paroled ward" means any individual between fifteen and eighteen years of age who:

- (1) Has been committed to the Hawaii youth correctional facility by the courts of the State of Hawaii for the period of the individual's minority but subject to earlier release on parole;

- (2) Has met the parole requirement of the department of social services and housing; and
- (3) Is employed pursuant to a rehabilitation program of the department of social services and housing. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

§12-20-102 Application for certificate. Application for the employment of paroled wards under special certificates authorizing employment at wages lower than the minimum wage under section 387-2, Hawaii Revised Statutes, shall be made by the employer to the director on forms furnished by the enforcement division of the department. The application must be complete and be signed by the employer, the parole ward, and an appropriate official of the department of social services and housing. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

§12-20-103 Issuance of certificate. Upon receipt of an application for the employment of a paroled ward, the director may issue a special certificate to the employer subject to the following terms and conditions:

- (1) The wage rate set in the certificate shall be fixed at a figure designed to reflect adequately the individual worker's earning capacity. No wage rate shall be fixed at less than fifty per cent of the minimum wage under section 387-2, Hawaii Revised Statutes;
- (2) The paroled ward shall be paid at the hourly rate specified in the certificate, or not less than the piece rates paid to employees in the same occupation, whichever is greater;
- (3) The paroled ward shall be paid not less than one and one-half times the regular rate for all hours worked in excess of the maximum workweek under section 387-3, Hawaii Revised Statutes;
- (4) A special certificate shall be valid under the terms set forth in the certificate for a period of not more than six months from the date of issue or a longer-period if specified in the certificate; and
- (5) The employer shall keep the special certificate on file while the paroled ward is employed, and upon termination of employment, the certificate shall be returned to the director. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

§12-20-104 Renewal of certificate. (a) Application may be filed for renewal of any special certificate.

- (b) If an application for renewal has been properly filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.
- (c) Paroled wards may be paid a subminimum wage after notice that the application for renewal has been denied, if review of the denial is requested in accordance with section 12-20-107; provided that if the denial is affirmed on review, the employer shall reimburse any person covered by the special certificate for the difference between the applicable minimum wage and any lower wage paid that person subsequent to the date on which the renewal of the certificate was denied. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

§12-20-105 Record keeping requirements. In addition to records required by section 12-20-8 and by chapter 387, Hawaii Revised Statutes, the employer's records shall identify each paroled ward. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)

§12-20-106 Revocation and cancellation. Any special certificate may be revoked or cancelled for cause at any time by the director after affording all interested parties an opportunity for a hearing. Cause shall mean violation of this subchapter or any applicable provision of chapters 387 or 388, Hawaii Revised Statutes, or a finding by the director that the conditions of employment are detrimental to the health, safety, or morals of the paroled ward. [Eff. Oct. 2, 1981] (Auth: HRS §§387-9, 387-11) (IMP: HRS §387-9)

§12-20-107 Reconsideration. (a) Any person aggrieved by the director's action in denying, granting, revoking or cancelling a special certificate may, within ten days after that action, file a written request for reconsideration by the director.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to offer that evidence prior to the director's action. [Eff. Oct. 2, 1981] Auth: HRS §§387-9, 387-11) (Imp: HRS §387-9)