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# A BILL FOR AN ACT

RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 labor and industrial relations appeals board (Board) to employ  
3 a qualified hearings officer. Enabling language regarding a  
4 qualified hearings officer in this statute would allow the Board  
5 to expedite hearings on workers' compensation treatment plan  
6 issues, vocational rehabilitation issues, and temporary total  
7 disability issues. The qualified hearings officer would hear  
8 these issues and propose a decision and order for review and  
9 approval by the full Board. This would afford expedited  
10 resolution of time-sensitive matters appealed from decisions of  
11 the director of labor and industrial relations to the Board.

12           SECTION 2. Section 371-4, Hawaii Revised Statutes, is  
13 amended by amending subsection (f) to read as follows:

14           "(f) The chairperson of the appeal board shall be  
15 responsible for the administrative functions of the appeal  
16 board. The appeal board may:



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

11 The hearings officer appointed by the appeal board, at a  
12 minimum, shall be an attorney-at-law who is in good standing in  
13 all courts throughout the state, has a working knowledge of  
14 workers' compensation law, and has at least five years of work  
15 experience with workers' compensation cases.

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

20 SECTION 3. The department of labor and industrial  
21 relations shall submit an interim report to the legislature no  
22 later than twenty days prior to the convening of the Regular



1 Session of 2010 and a final report of its findings and  
2 recommendation, including any proposed legislation, to the  
3 legislature no later than twenty days prior to the convening of  
4 the Regular Session of 2011. At minimum, the report shall  
5 contain:

- 6 (1) Detailed information on the qualifications of the  
7 appointed hearings officer;
- 8 (2) The effectiveness of the use of the appointed hearings  
9 officer in expeditiously conducting hearings on  
10 workers' compensation treatment plan issues,  
11 vocational rehabilitation issues, and temporary total  
12 disability issues; and
- 13 (3) The increased efficiency that has been experienced by  
14 the workers' compensation system, if any, as a result  
15 of the appointment of a hearings officer.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval;  
18 provided that this Act shall be repealed on June 30, 2011, and  
19 section 371-4, Hawaii Revised Statutes, shall be reenacted in  
20 the form in which it read on the day prior to the approval of  
21 this Act.



**Report Title:**

Labor and Industrial Relations Appeals Board; Expedited Hearings

**Description:**

Authorizes the Labor and Industrial Relations Appeals Board (Board) to employ a hearings officer, as well as to allow that hearings officer to hold a hearing, in order for the Board to expedite hearings on certain workers' compensation matters. Establishes qualifications for the hearings officer. Requires report back to the Legislature. Repealed in two years. (SB3088 HD1)

