

STAND. COM. REP. NO. 522 -08

Honolulu, Hawaii

Feb 15, 2008

RE: H.B. No. 2479
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2479 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

begs leave to report as follows:

The purpose of this bill is to encourage employees who have suffered work-related injuries to return to work by allowing an employee who has been deemed unable to return to the employee's original position due to a work injury after they have achieved maximum medical improvement to be referred by the Director of Labor and Public Employment (Director) for vocational rehabilitation services when an employer has made no offer of permanent suitable work.

The Hawaii State AFL-CIO testified in support of this bill. ILWU Local 142 supported the intent of this measure. The Department of Human Resources Development testified in opposition to this measure.

Your Committee notes that current law allows employees who have suffered a permanent disability as a result of work injuries to be referred by the Director for vocational rehabilitation services. This bill affords the same access to vocational rehabilitation services to an employee who may not have suffered a permanent disability, but has been otherwise deemed unable to

HB2479 HD1 HSCR LAB HMS 2008-1813



return to the employee's position as a result of a work injury even though the injury may have stabilized. Vocational rehabilitation allows an employee to continue to be a productive member of society.

However, your Committee understands concerns raised over the requirement that an employee achieve "maximum medical improvement" prior to becoming eligible for vocational rehabilitation since an employee may be able to return to light or modified duty with proper vocational rehabilitation prior to achieving this state.

Accordingly, your Committee has amended this measure by:

- (1) Removing the requirement that an employee who has been deemed unable to return to work achieve "maximum medical improvement" before being eligible for vocational rehabilitation; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2479, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2479, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



ALEX M. SONSON, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 2479	Committee Referral: LAB, FIN	Date: 02/05/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	Y			
2. NAKASONE, Bob (VC)				Y
3. EVANS, Cindy	Y			
4. HAR, Sharon E.	Y			
5. LEE, Marilyn B.	Y			
6. LUKE, Sylvia	Y			
7. McKELVEY, Angus L.K.	Y			
8. NISHIMOTO, Scott Y.	Y			
9. SOUKI, Joseph M.	Y			
10. TAKAMINE, Dwight Y.	Y			
11. TAKUMI, Roy M.	Y			
12. MEYER, Colleen Rose		X		
13. PINE, Kymerly Marcos	Y			
TOTAL (13)	11	1	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral _____ committee acronym(s) _____ did not support recommendation.				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				