Honolulu, Hawaii

Feb 15, 2008

RE: H.B. No. 3166
        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. 3166 entitled:

        "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD,"

begs leave to report as follows:

        The purpose of this bill is to improve the efficiency and expeditiousness of the workers' compensation system by authorizing the Labor and Industrial Relations Appeals Board (Board) to:

        (1)   Appoint a hearings officer; and

        (2)   Set the duties and compensation of the appointed hearings officer.

        The Department of Labor and Industrial Relations (DLIR), the Chair of the Board, and ILWU Local 142 testified in support of this bill.

        Currently, the Board consists of three members appointed by the Governor who have the power to decide appeals from decisions rendered by and orders of the Director of DLIR. Essentially, the Board adjudicates workers' compensation cases.

Each year, the Board receives several hundred appeals. While the appeals for trial are scheduled in the order in which they are received, the tremendous backlog of cases has often caused appeals trials to be scheduled up to a year later. While the Board has moved to improve the expeditiousness of this system, the length of time it may take to resolve these cases may result in injured employees not receiving proper medical treatment, or vocational training or education being delayed.

Your Committee finds that the allowing the Board to retain the services of a hearings officer will allow the resolution of time-sensitive appeals concerning vocational rehabilitation, medical care, and temporary total disability benefits to be expedited. However, your Committee remains concerned that the jurisdiction of the hearings officer is not precisely specified in the statutory provisions of this bill. Nevertheless, this measure deserves further consideration.

Your Committee has amended this bill by:

(1) Changing its effective date to July 1, 2059, to encourage further discussion; 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. 3166, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3166, 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.:	Committee Referral:	Date:
HB 3166	LAB, FIN	02/12/08

☐ The committee is reconsidering its previous decision on the measure

The recommendation is to: ☐ Pass, unamended (as is) ☑ Pass, with amendments (HD) ☐ Hold
☐ 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)	X			
2. NAKASONE, Bob (VC)				X
3. EVANS, Cindy	X			
4. HAR, Sharon E.	X			
5. LEE, Marilyn B.	X			
6. LUKE, Sylvia	X			
7. McKELVEY, Angus L.K.	X			
8. NISHIMOTO, Scott Y.	X			
9. SOUKI, Joseph M.	X			
10. TAKAMINE, Dwight Y.	X			
11. TAKUMI, Roy M.	X			
12. MEYER, Colleen Rose	X			
13. PINE, Kymberly Marcos	X			
TOTAL (13)	12	0	0	1

The recommendation is: ☑ Adopted ☐ Not Adopted

If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: _____

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