



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

www.hawaii.gov/labor

Phone: (808) 586-8842 / Fax: (808) 586-9099

Email: dliir.director@hawaii.gov

March 12, 2008

To: The Honorable Norman Sakamoto, Chair
and Members of the Senate Committee on Education

The Honorable Brian Taniguchi, Chair
and Members of the Senate Committee on Judiciary and Labor

Date: March 17, 2008

Time: 1:15 p.m.

Place: Conference Room 225 State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

**Testimony in Support
of
H.B. 2441 – Relating to Workers' Compensation**

I. OVERVIEW OF CURRENT PROPOSED LEGISLATION

House Bill 2441 proposes to provide workers' compensation coverage to students participating in a school-approved work-based learning program sponsored by the Department of Education or the University of Hawaii who work for a public employer.

II. CURRENT LAW

Private employers are already required to provide workers' compensation coverage to students in a school-approved work-based learning program sponsored by the Department of Education or the University of Hawaii.

III. HOUSE BILL

The Department of Labor and Industrial Relations supports this bill as it would allow the students participating in school-approved work-based learning programs sponsored by the Department of Education or the University of Hawaii to be placed with public employers.

Further, it is good policy to ensure that students who work for public employers to have the same protections as those working for private employers.

Date of Hearing: March 17, 2008

Committees: Senate Education and Judiciary
& Labor

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: H.B. 2441 (HSCR991-08), Relating to workers' compensation

Purpose: To provide for workers' compensation coverage for students participating in school-approved work-based learning programs sponsored by the department of education or the University of Hawaii.

Department's Position: The Department of Education supports H.B. 2441 (HSCR991-08). This bill expands Section 302A-460, Coverage for Workers' Compensation, Hawaii Revised Statutes (HRS), to provide workers' compensation coverage to students who perform work for public employers as well as private employers.

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
REGULAR SESSION OF 2008

COMMITTEE ON EDUCATION

Sen. Norman Sakamoto, Chair
Sen. Jill N. Tokuda, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Sen. Brian T. Taniguchi, Chair
Sen. Clayton Hee, Vice Chair

COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

Sen. Suzanne Chun Oakland, Chair
Sen. Les Ihara, Jr., Vice Chair

Date: Monday, March 17, 2008

Time: 1:15 p.m.

Place: Conference Room 225, State Capitol

TESTIMONY FRED GALDONES/ILWU LOCAL 142

RE: HB 2441, RELATING TO WORKERS' COMPENSATION

Thank you for the opportunity to present testimony regarding HB 2441.

The idea of providing workers compensation students in school-approved learning programs sponsored by the Department of Education and University of Hawaii is a good one in principle. However, we note that as drafted workers' compensation would be "the student's exclusive remedy to the same extent as provided for in chapter 386 as against the State and the private employer participating in the program."

We believe the quoted language should be interpreted to mean that a student in a DOE or a UH-sponsored program retains the opportunity to sue for sexual harassment or assault, infliction of emotional distress or invasion of privacy as guaranteed by Section 386-5 HRS, as well as the right to bring third-party actions as now provided in Section 386-8 HRS. Assuming these rights to bring third party actions are protected, we support adoption of HB 2441.