



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

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February 25, 2008

To: The Honorable Marcus Oshiro, Chair  
and Members of the House Committee on Finance

Date: February 26, 2008

Time: 4:30 p.m.

Place: Conference Room 308, 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 the sc.

**III. HOUSE BILL**

The Department of Labor and Industrial Relations (“Department”) 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: February 26, 2008

Committee: House Finance

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: H.B. 2441 (HSCR291-08), 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 (HSCR291-08). This bill expands Section 302A-430, 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.

HOUSE OF REPRESENTATIVES  
THE TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION OF 2008

COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

Date: Tuesday, February 26, 2008

Time: 4:30 p.m.

Place: Conference Room 308, 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.