

Date of Hearing: February 1, 2008

Committees: Senate Education and Judiciary & Labor

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. 2680, 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 S.B. 2680. This bill expands Coverage for Workers' Compensation, §302A-430, Hawaii Revised Statutes, to provide workers' compensation coverage to students who undertake to 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 & LABOR

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

Date: Friday, February 1, 2008  
Time: 3:45 p.m.  
Place: Conference Room 235, State Capitol

TESTIMONY FRED GALDONES/ILWU LOCAL 142

RE: SB 2680, RELATING TO WORKERS' COMPENSATION

Thank you for the opportunity to present testimony regarding SB 2680..

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 SB 2680.