

---

---

## A BILL FOR AN ACT

RELATING TO WORKERS' RIGHTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 388, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§388-     Payment of pension upon disability. An employer  
5 that provides pension benefits to its employees shall ensure  
6 that an employee who has vested under the employer's pension  
7 plan shall be eligible for payment of pension benefits upon  
8 suffering a disability, as defined in section 392-3, regardless  
9 of the employee's age."

10          SECTION 2. Section 386-89, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12          "(b) The director [~~may~~] at any time, either of the  
13 director's own motion or upon the application of any party, may  
14 reopen any case on the ground that [~~fraud~~]:

15           (1) Fraud has been practiced on the director or on any  
16           party; or



1        (2) Settlement has been obtained by the exertion or undue  
 2        influence over any party or as a result of the  
 3        disability or mental incompetence of the employee,  
 4        and render such decision as is proper under the circumstances."

5        SECTION 3. Statutory material to be repealed is bracketed  
 6        and stricken. New statutory material is underscored.

7        SECTION 4. This Act shall take effect upon its approval;  
 8        provided that section 2 shall apply to disability claims arising  
 9        on or after July 1, 1997.

10

INTRODUCED BY:

Michael J. Maynard

~~Bob~~ Kal Moor

Z-R

Kay Stephens

Karen Luana

Mark Hekadim

DC. Kirk

J. M. Smith



**Report Title:**

Workers' Rights; pension benefits; workers' compensation

**Description:**

Requires private employers who provide pension plans to their employees to allow an employee who has vested to receive pension payments upon becoming disabled, regardless of age. Permits director of labor and industrial relations to reopen workers' compensation cases after settlement if settlement was obtained by exerting undue influence over any party or as a result of the disability or mental incompetence of the employee.

