

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

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

1 SECTION 1. The purpose of this Act is to authorize the
2 labor and industrial relations appeals board (appeal board) to
3 utilize a hearings officer. Utilizing a hearings officer would
4 allow the appeal board to expedite hearings on workers'
5 compensation matters, including treatment plan issues,
6 vocational rehabilitation issues, and temporary total disability
7 issues. The hearings officer would hear these issues and
8 propose a decision and order for review and approval by the full
9 appeal board. This would afford expedited resolution of
10 time-sensitive matters appealed from decisions of the director
11 of labor and industrial relations to the appeal board.

12 SECTION 2. Section 371-4, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

14 "(f) The chairperson of the appeal board shall be
15 responsible for the administrative functions of the appeal
16 board. The appeal board may:



- 1 (1) Appoint an executive officer and hearings officer, and
- 2 employ other employees as it deems necessary in the
- 3 performance of its functions;
- 4 (2) Set the duties and compensation of the executive
- 5 officer, hearings officer, and employees; and
- 6 (3) Provide for the reimbursement of actual and necessary
- 7 expenses incurred by the executive officer, hearings
- 8 officer, and employees in the performance of their
- 9 duties, within the amounts made available by
- 10 appropriations therefor.

11 Members of the appeal board and employees other than
12 clerical and stenographic employees shall be exempt from
13 chapters 76 and 89. Clerical and stenographic employees shall
14 be employed in accordance with chapter 76."

15 SECTION 3. Section 371-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§371-6 Powers respecting oaths, subpoenas, etc.; witness**
18 **fees, expenses, immunities.** In all hearings or investigations
19 conducted by the director of labor and industrial relations, or
20 any of the director's duly authorized subordinates, including a
21 hearings officer appointed by the appeal board under
22 section 371-4, or the [~~labor and industrial relations~~] appeal



1 board, with respect to any matters cognizable by any of them,
2 each of the officers, and each member of the board, shall have
3 the same powers respecting the administering of oaths,
4 compelling the attendance of witnesses, the production of
5 documentary evidence, and examining or causing to be examined
6 witnesses, as are possessed by a circuit court and may take
7 depositions and certify to official acts. The circuit court of
8 any circuit upon application by any of them shall have power to
9 enforce by proper proceedings the attendance and testimony of
10 any witness so subpoenaed. Subpoena and witness fees and
11 mileage in such cases shall be the same as in criminal cases in
12 the circuit courts. Necessary expenses of or in connection with
13 any such hearings or investigations shall be payable from the
14 funds appropriated for expenses of administration for the
15 department of labor and industrial relations.

16 No person shall be excused from attending or testifying or
17 producing material, books, papers, correspondence, memoranda,
18 and other records, before the director, the director's duly
19 authorized subordinate, including a hearings officer appointed
20 by the appeal board under section 371-4, or the appeal board, or
21 in obedience to the subpoena of any of them, in any cause or
22 proceeding before them, on the grounds that the testimony and



1 evidence, documentary or otherwise, required of the person may
 2 tend to incriminate the person or subject the person to a
 3 penalty or forfeiture; but no individual shall be prosecuted or
 4 subjected to any penalty or forfeiture for or on account of any
 5 transaction, matter, or thing concerning which the individual is
 6 compelled, after having claimed the individual's privilege
 7 against self-incrimination, to testify or produce evidence,
 8 documentary or otherwise, except that [~~such~~] the individuals so
 9 testifying shall not be exempt from prosecution and punishment
 10 for perjury committed in so testifying."

11 SECTION 4. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY: *[Signature]*

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Report Title:

Labor and Industrial Relations Appeals Board; Hearings Officer

Description:

Authorizes the labor and industrial relations appeals board (appeal board) to utilize a hearings officer and allow that hearings officer to hold a hearing, in order for the appeal board to expedite hearings on certain workers' compensation matters.

