

**TESTIMONY**

**SB 2050**

THE SENATE  
TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

COMMITTEE ON LABOR

Senator Dwight Y. Takamine, Chair  
Senator Brian T. Tanaguchi, Vice Chair

Hearing: Thursday, January 28, 2010

Time: 2:45 p.m.

Place: Conference Room 224, State Capitol

TESTIMONY OF ILWU LOCAL 142

RE: SB 2050, RELATING TO VOCATIONAL REHABILITATION  
IN WORKERS' COMPENSATION LAW

Chairman Takamine, Vice Chair Tanaguchi, Members of the Committee:

Thank you for the opportunity to present testimony regarding S.B. 2050. We support this modest but constructive bill.

SB 2050 fine tunes the vocational rehabilitation provisions of Hawaii's workers' compensation law by directing vocational counselors to seek "modified or other work with the same employer" rather than "a different employer", as now stated in Section 386-25 HRS. The mandate that counselors strive to maintain an injured workers' employment with the same Employer is a logical and common sense approach that should be embodied into law. Employees obviously can be returned to work most rapidly by retaining them with their original employers in new or modified jobs that are consistent with their physical or mental limitations.

Such action is not only sound rehabilitation policy and a cost effective strategy in reducing the financial losses incurred due to industrial accidents, but it is generally an action that is consonant with the broad purposes of the Americans with Disabilities Act and the Hawaii Civil Rights Law, which both emphasize that handicapped individuals are entitled to "reasonable accommodation" for their handicaps. Maintaining employment with the same employer also permits the injured employee to continue to accrue seniority and pension credit.

Given these advantages, we urge that SB 2050 be enacted.

## TESTIMONY OF ALISON POWERS

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SENATE COMMITTEE ON LABOR  
Senator Dwight Y. Takamine, Chair  
Senator Brian T. Taniguchi, Vice Chair

Thursday, January 28, 2010  
2:45 p.m.

### **S.B. 2050**

Chair Takamine, Vice Chair Taniguchi, and members of the Committee, my name is Alison Powers, Executive Director of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately 50% of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** S.B. 2050, which would require a provider in its vocational rehabilitation plan to determine if modified or other suitable work with the same employer represents suitable gainful employment.

This bill makes a technical correction to the law and therefore we support this bill.

Thank you for the opportunity to testify.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Labor

Testimony by  
Hawaii State AFL-CIO  
January 28, 2010

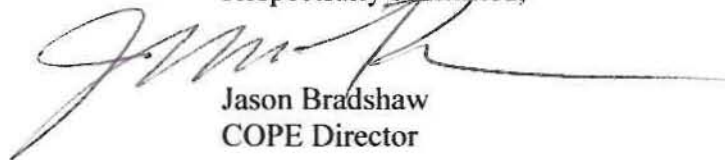
S.B. 2050 – RELATING TO VOCATIONAL  
REHABILITATION IN WORKERS'  
COMPENSATION LAW

The Hawaii State AFL-CIO supports S.B. 2050 which requires a provider in its rehabilitation plan to determine if modified or other work with the same employer represents suitable gainful employment.

S.B. 2050 a housekeeping measure, would benefit both the employee and employer. Under current law, an employee would be required to determine if modified work or other work with a different employer represents suitable gainful employment. However, S.B. 2050 allows the employee to seek modified work with the same employer so long as it represents suitable gainful employment.

Thank you for the opportunity to testify.

Respectfully submitted,



Jason Bradshaw  
COPE Director



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January 28, 2010

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Labor

S.B. 2050 requires a provider in its rehabilitation plan to determine if modified or other work with the same employer represents suitable gainful employment.

The Hawaii Injured Workers Alliance strongly supports this measure.

We believe this bill will be a positive step for injured workers in the State of Hawaii.

Your passage of this bill would be greatly appreciated.

George M. Waialeale  
Executive Director  
Hawaii Injured Workers Alliance  
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