

TESTIMONY

SB 2050

LATE

January 28, 2010

The Honorable Dwight Takamine, Chair
The Honorable Brian Taniguchi, Vice-Chair
Members of the Senate Labor Committee
415 South Beretania Street, Room 204
Honolulu, Hawaii 96813

LATE

Relating to: SB 2050 RELATING TO VOCATIONAL REHABILITATION IN WORKERS'
COMPENSATION LAW.

Dear Senator Takamine and members of the Committee:

I urge you to **SUPPORT SB 2050 Relating to Vocational Rehabilitation in Workers' Compensation Law.**

The changes that are being recommended appear to correct a typographical error that would correctly state what the process for a person going through the worker's compensation process should follow. Level 2 is looking at modified or alternative options with an injured worker's employer as to possible employment and not looking outside of the employer.

Thank you for the opportunity to address this committee in regard to SB 2050.

Sincerely,

Patti Inoue, M.Ed., CRC 1/28/10
715 S. King Street, #410
Honolulu, Hawaii 96813
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LATE



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

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January 28, 2010

To: The Honorable Dwight Takamine, Chair
and Members of the Senate Committee on Labor

Date: Thursday, January 28, 2010
Time: 2:45 p.m.
Place: Conference Room 224, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Testimony in SUPPORT of S.B. 2050

I. OVERVIEW OF CURRENT PROPOSED LEGISLATION

This amendment will allow search for suitable gainful employment with the injured worker's current employer followed by search for suitable gainful employment with different employers.

II. CURRENT LAW

Act 11, passed by the Special Session of the 2005 Legislature, amended section 386-25, HRS, by codifying into statute the administrative rule section 12-14-5 relating to rehabilitation. Act 11's amendment to section 386-25 inadvertently deleted the requirement for consideration of modified or other work with the same employer. The current law, section 386-25 (e)(2), HRS, only requires that consideration of modified or other work be with a different employer and does not allow for consideration of the current (same) employer.

III. SENATE BILL

The Department supports S.B 2050 as it corrects a drafting error caused when the legislature codified the Department administrative rules relating to vocational rehabilitation.

This amendment clarifies the past and present practice of VR counselors that require search for suitable gainful employment with the injured worker's current (same) employer followed by search for suitable gainful employment with different employers.

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