

Honolulu, Hawaii

Feb 6 , 2012

RE: H.B. No. 2579

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2579 entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION FOR TEMPORARY
DISABILITY INSURANCE CLAIMS,"

begs leave to report as follows:

The purpose of this measure is to expedite the temporary disability insurance process by:

- (1) Requiring an employer to submit the employer's statement portion of a temporary disability insurance claim form to an employee when requested; and
- (2) Increasing the fine an employer must pay when the employer is delinquent in providing this information to a requestor.

The Department of Labor and Industrial Relations, Hawaii Laborers' Union, and several concerned individuals testified in support of this measure.

Hawaii's temporary disability insurance law is intended to partially compensate workers for the loss of wages caused by temporary, non-occupational disability or maternity. In this system, the employer facilitates the claim filing process by providing wage and employment information in a timely manner. However, current law requires an employer to provide wage and



employment information only to an insurer and not to an employee. This measure provides fairness in the process by allowing access to wage and employment information regardless of whether the requestor of the information is an insurer or an employee.

However, your Committee does have concerns that increasing the fine an employer must pay when the employer is delinquent in providing the requested information to \$500 for each delinquent request may be excessive. Therefore, your Committee has amended this measure by changing the fine to \$250 for a first delinquent request and \$500 for a second and any subsequent delinquent request.

Technical, nonsubstantive amendments have also been made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2579, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2579, H.D. 1, and be referred to the Committee on Economic Revitalization & Business.

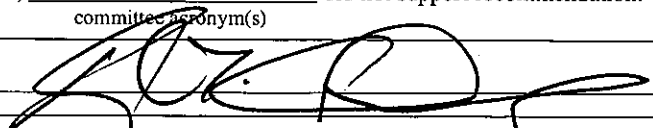
Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



KARL RHOADS, Chair



Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HD 2579	Committee Referral: LAB, ERB, FIN	Date: 1-31-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. OKAMURA, Tom	th ea			-
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.	/			
11. TAKUMI, Roy M.	/			
12. FONTAINE, George R.	/			
13. JOHANSON, Aaron Ling	/			
TOTAL (13)	12	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee person(s)</small>				
Vice Chair's or designee's signature: 				
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