



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 2, 2012

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2548 - RELATING TO EMPLOYMENT EXEMPTION FOR
DOMESTIC SERVICES AUTHORIZED BY THE DEPARTMENT OF
HUMAN SERVICES**

Hearing: Thursday, February 2, 2012; 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of the bill is to amend the definition of "employment" in the workers' compensation, temporary disability insurance, and prepaid health care statutes by clarifying the "domestic services" exclusion for services authorized by the Department of Human Services.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration bill. Sections 386-1, 392-5, and 393-5, Hawaii Revised Statutes, exempt recipients of social service payments with developmental and intellectual disabilities from providing workers' compensation, temporary disability insurance, and prepaid health care. This bill will provide clarification and consistency by exempting the Department of Human Services (DHS), aged recipients and disabled recipients of home and community-based services, and recipients of DHS state-funded home and community-based services, from having to provide

workers' compensation, temporary disability insurance, and prepaid health care. This exemption will allow greater access to home and community-based services to needy individuals.

Thank you for the opportunity to testify on this bill.



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

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February 2, 2012

To: The Honorable John M. Mizuno, Chair, Jo Jordan, Vice Chair, and Members
of the House Committee on Human Services

Date: Thursday, February 2, 2012

Time: 8:30 a.m.

Place: Conference Room 329, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations

**Re: H.B. No. 2548 Relating to Employment Exemption for Domestic Services
Authorized by the Department of Human Services**

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal amends Sections 386-1(6), 392-5(19), and 393-7(d), HRS, by adding another class of employees that are excluded from the definition of "employment" and the protections afforded by the Workers' Compensation, Temporary Disability Insurance, and Prepaid Health Care laws. This measure seeks to exclude from the three laws domestic services authorized by the Department of Human Services under the Social Security Act or when provided through state-funded medical assistance to individuals ineligible for Medicaid, when performed by an individual in the employ of a recipient of social service payments.

II. CURRENT LAW

With respect to domestic services, the current statutes exclude from employment only those domestic services performed for persons with developmental and intellectual disabilities under the Medicaid home and community-based services program pursuant to Title 42 Code Federal Regulations.

III. COMMENTS ON THE HOUSE BILL

The Department supports the Administration's proposal from the Department of Human Services.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 2, 2012

Hilda Srie
86-082 A Pokai Bay St.
Waianae, HI 96792

Aloha,

I wanted to personally thank you for volunteering for the Puuhulu Area Stream Clean Up on January 16. I truly appreciate your time and hard work. Your participation was vital to making this clean up a success with approximately 50 volunteers, resulting in the removal of overgrown shrubs and trees in the stream bed near Puhawai Road in order to relieve some of the clogged streams and waterways. As we continue to plan future events along the Waianae Coast, I welcome any feedback you would like to share about the Puuhulu Stream Clean Up so that we can be more effective.

The next Stream Clean Up is scheduled for February 18 and we welcome your participation and support again. Please feel free to contact me at 586-8460 or repjordan@capitol.hawaii.gov. You can also receive the most updated information on my Representative Jo Jordan Facebook page at [facebook.com/repjordan](https://www.facebook.com/repjordan), so become a fan today.

Sincerely,

Jo Jordan, Representative
45th District
Waianae, Makaha, Makua