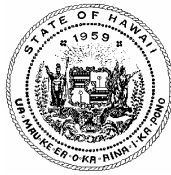


NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
DIRECTOR

LEILA A. KAGAWA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

March 25, 2014

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Friday, March 28, 2014
9:25 a.m., Conference Room 211

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 2400
Relating to Temporary Disability Benefits

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON DAVID IGE AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide testimony on H.B. 2400.

The purpose of H.B. 2400 is to provide temporary disability benefits to employees who suffer disabilities as a result of donating organs.

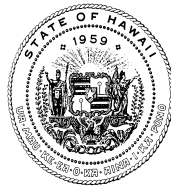
The Department of Human Resources Development (DHRD) **supports** this bill, although we believe it may be unnecessary.

DHRD oversees the State of Hawaii's self-insured Temporary Disability Benefits Plans (TDB Plans) for State executive branch employees. The TDB Plans meet the statutory equivalency provision in Section 392-41, HRS, of the Hawaii Temporary Disability Insurance law and are approved by the Department of Labor.

Our understanding is that disabilities resulting from donating organs would already be covered as a "sickness" under our TDB Plans, provided the disability is properly certified by a physician and all other eligibility requirements are met. However, we would support the express addition of the term "organ donation" as proposed in this

bill. DHRD believes that the State should be an employer of choice for career-seeking individuals and this measure would enhance our reputation as a forward-thinking employer.

Thank you for the opportunity to provide testimony in support of this measure.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
<http://labor.hawaii.gov>

March 28, 2014

To: The Honorable David Y. Ige, Chair,
The Honorable Michelle N. Kidani, Vice Chair, and
Members of the Senate Committee on Ways & Means

Date: Friday, March 28, 2014
Time: 9:25 a.m.
Place: Conference Room 211, State Capitol

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

Re: H.B. No. 2400 Relating to Temporary Disability Benefits

I. OVERVIEW OF PROPOSED LEGISLATION

HB 2400 proposes to amend Sections 392-3 and 392-21, Hawaii Revised Statutes (HRS), by including organ donation as compensable disability and providing temporary disability insurance benefits to organ donors.

II. CURRENT LAW

Section 392-3, HRS, defines "disability" to mean total inability of an employee to perform the duties caused by sickness, pregnancy or termination of pregnancy or accident that are not work-related. Therefore, an eligible employee's total disability due to organ transplantation (as a recipient) is covered under the current law.

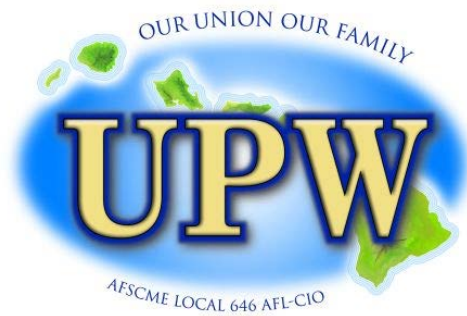
Section 392-21, HRS, specifies that any eligible employee who suffers total disability resulting from accident, sickness, pregnancy or termination of pregnancy that is not work-related shall be entitled to receive temporary disability insurance benefits. Since the disability covered has been "elective" in nature, the donor's total inability to work suffered during organ transplantation (as a donor) is not covered under the current law.

III. COMMENTS ON THE HOUSE BILL

Organ transplants involve three tests that are done to evaluate donors. They are blood type, cross match, and HLA (human leukocyte antigen) or tissue typing testing. Each transplant program is required to have criteria for the selection of both

recipients and donors. To find a match between a willing, living donor to save the life of a compatible intended recipient is something that is medically necessary and sometimes difficult due to Hawaii's geographic isolation. Additionally, donors may not be disabled for an extended period during recovery after surgery: the period of TDI eligibility will usually be relatively short.

Therefore, the department supports the provision of TDI benefits to organ donors.



THE HAWAII STATE SENATE
The Twenty-Seventh Legislature
Regular Session of 2014

COMMITTEE ON WAYS AND MEANS
The Honorable Sen. David Y. Ige, Chair
The Honorable Sen. Michelle N. Kidani, Vice Chair

DATE OF HEARING: Friday, March 28, 2014
TIME OF HEARING: 9:25 AM
PLACE OF HEARING: Conference Room 211

TESTIMONY ON HB2400 RELATING TO TEMPORARY DISABILITY BENEFITS

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports HB2400, which provides temporary disability benefits to employees who suffer disabilities as a result of donating organs.

We ask that you pass this bill.

Thank you for the opportunity to testify on this measure.



**TESTIMONY ON HOUSE BILL 2400
RELATING TO TEMPORARY DISABILITY BENEFITS**

By

Stephen A. Kula, Ph.D., NHA
President and CEO
Legacy of Life Hawaii

Senate Committee on Ways & Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Friday, March 28, 2013; 9:25 AM
State Capitol, Conference Room 221

Chair Ige, Vice Chair Kidani, and members of the Senate Committee on Ways & Means:

Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support of HB 2400, providing temporary disability benefits to employees who suffer disabilities as a result of donating organs.

This measure would provide a sense of security and consequently encourage more to become donors to help save and enhance the lives of so many critically ill patients in need of transplants. I, therefore, urge this committee to give HB 2400 your favorable consideration.

For 25 years Legacy of Life Hawaii has been saving lives through the generosity of organ and tissue donors who have given the Gift of Life so others may live. Thank you for the opportunity to offer testimony on behalf of Legacy of Life Hawaii in strong support.

405 N. Kuakini Street, Suite 810 Honolulu, HI 96817
Phone: (808) 599-7630 Toll Free: (877) 855-0603 Fax: (808) 599-7631

legacyoflifehawaii.org



FROM: Patrick Gartside
3623 McCorristion St
Honolulu HI 96815
808 256 6767
patrick@patrickgartside.com

TO: COMMITTEE ON WAYS AND MEANS
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: 26 March 2014

SUBJECT: Testimony in support of HB2400

My name is Patrick Gartside and I am writing as a living organ donor and a small business owner in support of HB2400.

In 2008 I donated a kidney which required over a month's leave from work. I was fortunate to have had a paid leave absence for the time of my donation. Without this allowance it is possible that I would have made a different choice.

Financial risk and burden should not stand in the way of life saving operations. I ask that you please pass HB2400 so that there will be one less barrier between potential donors and critically ill patients.

Thank you the your consideration of this bill and my testimony supporting it.

A handwritten signature in blue ink, appearing to read 'Patrick Gartside', with a stylized flourish at the end.

Patrick Gartside