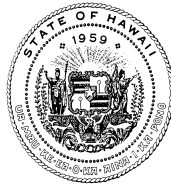


HB2400



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

March 18, 2014

To: The Honorable Clayton Hee, Chair,
The Honorable Maile S.L. Shimabukuro, Vice Chair, and
Members of the Senate Committee on Judiciary and Labor

Date: Tuesday, March 18, 2014
Time: 10:00 a.m.
Place: Conference Room 016, 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.

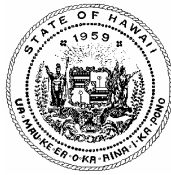
III. COMMENTS ON THE HOUSE BILL

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.

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 17, 2014

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Tuesday, March 18, 2014
10:00 a.m., Conference Room 016

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 2400
Relating to Temporary Disability Benefits

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON CLAYTON HEE 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.

To: Senate Committee on Judiciary and Labor

From: Patricia McGhee
3646 Trousseau St
Honolulu, HI 96815
808-722-0854

Hearing: 10:00am Tuesday, March 18, 2014

Subject: Temporary Disability Payment for Organ Donors

Aloha Chair and Committee Members,

I appreciate this opportunity to provide testimony on HB#2400. Please vote YES.

In January 2013 I donated my kidney to a co-worker. I know first hand the burdens an organ donor in Hawaii must bear. The financial burden is difficult and worrisome. I was appalled to learn, after my surgery, that organ donors do not qualify for temporary disability insurance during their recovery time while unable to work. The reason being- organ donation is an elective surgery. While this is indisputable, it is not right to penalize such an altruistic act. People make choices everyday to drink excessively, to smoke, to overeat, to put their health in jeopardy. When these very people, due to the poor health they have created, are unable to work, they collect TDI. Yet an organ donor who is instrumental in restoring to health and returning the recipient back to the work force, receives no assistance.

I urge you to vote YES to allow organ donors to qualify for temporary disability insurance. When finances are the determining factor as to whether a person will donate, knowing that they will receive some financial assistance during their recovery will be reassuring and encouraging.