

ACT 188

H.B. NO. 2377

A Bill for an Act Relating to Workers' Compensation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 386-25, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) A provider shall file the employee’s plan with the approval of the employee. Upon receipt of the plan from the provider, an employee shall have ten days to review and sign the plan. The plan shall be submitted to the employer and the employee and be filed with the director within two days from the date of the employee’s signature. A plan shall include a statement of the feasibility of the vocational goal, using the process of:

- (1) First determining if the employee’s usual and customary employment represents suitable gainful employment, and, should it not;
- (2) Next determining if modified work or other work with the same employer represents suitable gainful employment, and, should it not;
- (3) Next determining if modified or other employment with a different employer represents suitable gainful employment, and finally, should it not;
- (4) Then providing training to obtain employment in another occupational field. When training to obtain employment in another occupational field is required, the first appropriate option among the following options shall be selected for the employee:
 - (A) On-the-job training;
 - (B) Short-term retraining program (less than fifty-two weeks); or
 - (C) Long-term retraining program (more than fifty-two weeks);

and
- (5) Lastly, if training under paragraph (4) is not feasible, then self-employment may be considered.”

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SECTION 2. Section 386-71.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§386-71.5~~ **Rehabilitation unit.** There is established within the department of labor and industrial relations a rehabilitation unit. All professional and clerical employees of this unit shall be appointed and administered by the director. The rehabilitation unit shall have the duties and responsibilities provided in section 386-25. Employees of the unit shall be subject to chapter 76.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 10, 2018.)