A BILL FOR AN ACT

RELATING TO WORKERS' RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 388, Hawaii Revised Statutes, is 1 amended by adding a new section to be appropriately designated 2 and to read as follows: 3 "§388- Payment of pension upon disability. An employer 4 that provides pension benefits to its employees shall ensure 5 6 that an employee who has vested under the employer's pension plan shall be eligible for payment of pension benefits upon 7 suffering a disability, as defined in section 392-3, regardless 8 9 of the employee's age." SECTION 2. Section 386-89, Hawaii Revised Statutes, is 10 amended by amending subsection (b) to read as follows: 11 12 The director [may] at any time, either of the director's own motion or upon the application of any party, may 13 14 reopen any case on the ground that [fraud]: (1) Fraud has been practiced on the director or on any 15

party; or

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1	(2) Settlement obtained by the exertion or undue influence
2	by any party or as a result of a disability or mental
3	incompetence of the employee,
4	and render [such] a decision as is proper under the
5	circumstances."
6	SECTION 3. Statutory material to be repealed is bracketed
7	and stricken. New statutory material is underscored.
8	SECTION 4. This Act shall take effect upon its approval;
9	provided that section 2 of this Act shall apply to disability
10	claims arising on or after July 1, 1997.
11	1.0 - V.1 A
	INTRODUCED BY:
	By Request
	JAN 2 5 2012 '

H.B. NO. 2143

Report Title:

Workers' Rights; Pension Benefits; Workers' Compensation

Description:

Requires private employers who provide pension plans to their employees to allow an employee who has vested to receive pension payments upon becoming disabled, regardless of age. Permits director of labor and industrial relations to reopen workers' compensation cases after settlement if settlement was obtained by exerting undue influence over any party or as a result of the disability or mental incompetence of the employee.

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