

JAN 25 2012

A BILL FOR AN ACT

RELATING TO WORKERS' RIGHTS.

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

1 SECTION 1. Chapter 388, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§388- Payment of pension upon disability. An employer
5 that provides pension benefits to its employees shall ensure
6 that an employee who has vested under the employer's pension
7 plan shall be eligible for payment of pension benefits upon
8 suffering a disability, as defined in section 392-3, regardless
9 of the employee's age."

10 SECTION 2. Section 386-89, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The director [~~may~~], at any time, either of the
13 director's own motion or upon the application of any party, may
14 reopen any case on the ground that [~~fraud~~]:

15 (1) Fraud has been practiced on the director or on any
16 party; or

17 (2) For disability claims arising on or after July 1,
18 1997, settlement has been obtained by the exertion of

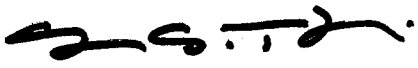


1 undue influence over any party or as a result of the
2 disability or mental incompetence of the employee,
3 and render such decision as is proper under the circumstances."

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 Statutory material to be repealed is bracketed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

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

7

INTRODUCED BY: 
By Request



S.B. NO. 2637

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. Allows the director of labor and industrial relations to reopen workers' compensation cases after settlement for disability claims arising on or after July 1, 1997, if the settlement was obtained by exerting undue influence over any party or as a result of the disability or mental incompetence of the employee.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

