
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

- 1 SECTION 1. Section 386-25, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
- 3 "(e) A provider shall file the employee's plan with the
4 approval of the employee. Upon receipt of the plan from the
5 provider, an employee shall have ten days to review and sign the
6 plan. The plan shall be submitted to the employer and the
7 employee and be filed with the director within two days from the
8 date of the employee's signature. A plan shall include a
9 statement of the feasibility of the vocational goal, using the
10 process of:
- 11 (1) First determining if the employee's usual and
12 customary employment represents suitable gainful
13 employment, and, should it not;
- 14 (2) Next determining if modified work or other work with
15 the same employer represents suitable gainful
16 employment, and, should it not;



1 (3) Next determining if modified or other employment with
2 a different employer represents suitable gainful
3 employment, and finally, should it not;

4 (4) Then providing training to obtain employment in
5 another occupational field. When training to obtain
6 employment in another occupational field is required,
7 the first appropriate option among the following
8 options shall be selected for the employee:

9 (A) On-the-job training;

10 (B) Short-term retraining program (less than fifty-
11 two weeks); or

12 (C) Long-term retraining program (more than fifty-two
13 weeks); and

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

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

18 "[+] §386-71.5 [+] Rehabilitation unit. There is
19 established within the department of labor and industrial
20 relations a rehabilitation unit. All professional and clerical
21 employees of this unit shall be appointed and administered by



1 the director. The rehabilitation unit shall have the duties and
2 responsibilities provided in section 386-25. Employees of the
3 unit shall be subject to chapter 76."

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 Statutory material to be repealed is bracketed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.

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Report Title:

Workers' Compensation; Vocational Rehabilitation; Department of Labor and Industrial Relations

Description:

Establishes training options as part of vocational rehabilitation for injured employees when training for employment in another occupational field is required for the employee and as part of the employee's rehabilitation plan. Provides that all professional and clerical employees of the Department of Labor and Industrial Relations Rehabilitation Unit are to be administered by the DLIR Director. (SD1)

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