
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ANALYZE THE AVAILABLE DATA ON HAWAII WORKERS' COMPENSATION CASES RELATING TO DEATH BENEFITS FOR THE PAST TEN YEARS AND OBTAIN ANY ADDITIONAL DATA FROM THE HAWAII INSURERS COUNCIL OR ANY OTHER STATE OR FEDERAL SOURCE TO RECOMMEND ANY UPDATES TO THE WORKERS' COMPENSATION LAW.

1 WHEREAS, the purpose of the Workers' Compensation Law is to
2 compensate workers and their dependents fairly and equitably in
3 the event of work-related disability or death; and

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5 WHEREAS, chapter 386, Hawaii Revised Statutes (HRS)
6 establishes Hawaii's Workers' Compensation Law; and

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8 WHEREAS, section 386-41, HRS, makes distinctions among
9 dependent surviving spouses, dependent surviving children,
10 dependent surviving parents, and dependent surviving
11 grandparents of deceased lawfully covered employees for purposes
12 of calculating various weekly benefit amounts; and

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14 WHEREAS, section 386-41, HRS, also makes a distinction
15 between wholly dependent and partially dependent parents for
16 purposes of calculating weekly benefit amounts; and

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18 WHEREAS, the Department of Labor and Industrial Relations
19 is tasked with implementing chapter 386, HRS, including section
20 386-41 thereof; and

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22 WHEREAS, the Department of Labor and Industrial Relations
23 customarily conducts an administrative hearing to determine in
24 certain cases whether a surviving beneficiary was wholly or
25 partially dependent on the deceased employee; and

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27 WHEREAS, according to its oral testimony before the Senate
28 Committee on Labor and Technology concerning Senate Bill



1 No. 1115 (2023) on February 15, 2023, the Department of Labor
2 and Industrial Relations asserted that it continues to base its
3 calculations for different generations of surviving
4 beneficiaries using an actuarial table created in 1963; and
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6 WHEREAS, longevity and generational dependency trends may
7 well have changed significantly over the course of sixty years,
8 resulting in unreasonable and unfair distribution of benefits by
9 current parameters; now, therefore,
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11 BE IT RESOLVED by the Senate of the Thirty-second
12 Legislature of the State of Hawaii, Regular Session of 2023, the
13 House of Representatives concurring, that the Department of
14 Labor and Industrial Relations is requested to analyze the
15 available data on Hawaii workers' compensation cases relating to
16 death benefits for the past ten years and obtain any additional
17 data from the Hawaii Insurers Council or any other state or
18 federal sources to recommend any updates to the Workers'
19 Compensation Law; and
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21 BE IT FURTHER RESOLVED that the Department of Labor and
22 Industrial Relations is requested to submit a report of its
23 findings and recommendations for updating the Workers'
24 Compensation Law, particularly section 386-41, Hawaii Revised
25 Statutes, to the Legislature no later than twenty days prior to
26 the convening of the Regular Session of 2024; and
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28 BE IT FURTHER RESOLVED that a certified copy of this
29 Concurrent Resolution be transmitted to the Director of Labor
30 and Industrial Relations.

