

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO PROVIDE AND PRODUCE UPDATED ACTUARIAL STUDIES REGARDING THE LIFESPAN PROBABILITIES OF SURVIVING DEPENDENT BENEFICIARIES FOR THE PURPOSE OF APPLYING HAWAII'S 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

4
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
29 No. 1115 (2023) on February 15, 2023, the Department of Labor
30 and Industrial Relations asserted that it continues to base its
31 calculations for different generations of surviving
32 beneficiaries using an actuarial table created in 1963; and
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1 WHEREAS, longevity and generational dependency trends may
2 well have changed significantly over the course of sixty years,
3 resulting in unreasonable and unfair distribution of benefits by
4 current parameters; now, therefore,
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6 BE IT RESOLVED by the Senate of the Thirty-second
7 Legislature of the State of Hawaii, Regular Session of 2023,
8 that the Department of Labor and Industrial Relations is
9 requested to research current actuarial data and population
10 studies for the purpose of creating updated materials for
11 assessing appropriate benefit amounts for dependent surviving
12 spouses, dependent surviving children, dependent surviving
13 parents, and dependent surviving grandparents, as well as
14 establishing updated standards for distinguishing wholly
15 dependent beneficiaries from partially dependent beneficiaries;
16 and
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18 BE IT FURTHER RESOLVED that the Department of Labor and
19 Industrial Relations is requested to deliver to the President of
20 the Senate and the Speaker of the House of Representatives, the
21 Chairperson of the Senate Committee on Labor and Technology, and
22 the Chairperson of the House Committee on Labor and Operations a
23 report summarizing the results of its research, along with
24 recommendations for revising the differing amounts of weekly
25 benefits to surviving beneficiaries based on relationship status
26 and degree of dependency, if any, and further suggest necessary
27 legislation for implementation of any necessary adjustments; and
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29 BE IT FURTHER RESOLVED that the requested report be
30 delivered to the aforementioned persons no later than thirty
31 days prior to the convening of the Regular Session of 2024; and
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33 BE IT FURTHER RESOLVED that a certified copy of this
34 Resolution be transmitted to the Director of Labor and
35 Industrial Relations.
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OFFERED BY: 

