

ACT 61

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S. B. NO. 97

A Bill for an Act Relating to Temporary Disability Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 392-3, Hawaii Revised Statutes, is amended to read:

“Section 392-3 Definitions generally. As used in this chapter, unless the context clearly requires otherwise:

- (1) ‘Benefit year’ with respect to any individual means the one-year period beginning with the first day of the first week of disability with respect to which the individual first files a valid claim for temporary disability benefits. A subsequent benefit year is the one-year period following a preceding benefit year, beginning either (A) with the first day of the first week of disability with respect to which the individual files a subsequent claim for temporary disability benefits, or (B) with the first work-day following the expiration of the preceding benefit year if a disability for which temporary disability benefits are payable during the last week of the preceding benefit year continues and the individual is eligible for further benefit payments.
- (2) ‘Contributions’ mean the amounts of money authorized by this chapter to be withheld from employees’ wages for the payment of temporary disability benefits.
- (3) ‘Department’ means the department of labor and industrial relations.
- (4) ‘Director’ means the director of labor and industrial relations.
- (5) ‘Disability’ means total inability of an employee to perform the duties of his employment caused by sickness, pregnancy, termination of pregnancy, or accident other than a work injury as defined in section 386-3.
- (6) ‘Employer’ means any individual or type of organization, including the State, any of its political subdivisions, any instrumentality of the State or its political subdivisions, any partnership, association, trust, estate, joint stock company, insurance company, or corporation whether domestic or foreign or receiver or trustee in bankruptcy, or the legal representative of a deceased person, who has one or more individuals in his employment during any day or portion of a day.
- (7) ‘Employment’ and ‘employed’ means service, including service in interstate commerce, performed for wages under any contract of hire, written or oral, express or implied, with an employer, except as otherwise provided in sections 392-4 and 392-5.
- (8) ‘Wages’ means all remuneration for services from whatever source, including commissions and bonuses, and the cash value of all remuneration in any medium other than cash but not including tips or gratuities paid directly to any individual by a customer of his employer and not accounted for by the individual to his employer. The director may issue regulations for the reasonable determination of the cash value of remuneration in any medium other than cash. Wages do not include the amount of any payment specified in section 383-11.
- (9) ‘Weekly benefit amount’ means the amount payable under this chapter for a period of continuous disability throughout a calendar week. If the period of disability or the initial or terminal portion thereof

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is shorter than a calendar week, the benefit amount payable for that portion shall be the weekly benefit amount multiplied by a factor consisting of a quotient having the number of work-days lost during the portion of the week for the enumerator and the number of regular work-days of the employee during a calendar week for the denominator.”

SECTION 2. Section 392-6, Hawaii Revised Statutes, is amended to read:

“**Section 392-6 Individual in current employment.** ‘Individual in current employment’ means:

- (1) An individual who performed regular service in employment immediately or not longer than two weeks prior to the onset of the sickness or to the accident causing disability and who would have continued in or resumed employment except for such disability.
- (2) An individual who performed regular service in employment immediately or not longer than two weeks prior to becoming totally disabled from performing the duties of her employment because of pregnancy or termination of pregnancy and who would have continued in or resumed such employment except for such disability.”

SECTION 3. Section 392-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) Any individual in current employment who suffers disability resulting from accident, sickness, pregnancy, or termination of pregnancy, except accident or disease connected with or resulting from employment as defined in section 386-3 or any other applicable workmen’s compensation law, shall be entitled to receive temporary disability benefits in the amount and manner provided in this chapter.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 8, 1973.)

*Edited accordingly.