

ACT 168

H.B. NO. 1268

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. The legislature finds that Hawaii's public employers have in place return to work programs for their eligible injured employees on workers' compensation. These return to work programs give priority consideration to retaining eligible injured public employees so that they can return to work with their employer as soon as possible in a cost effective manner.

The legislature further finds that if a return to their public employer cannot be successfully accomplished through the return to work program, then additional vocational rehabilitation services provide another avenue for the injured public employees to seek suitable and gainful employment, unless an employee chooses to retire.

The purpose of this Act is to help coordinate the efficient use of public employer return to work programs in accordance with vocational rehabilitation under the workers' compensation law.

SECTION 2. Section 386-25, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The purposes of vocational rehabilitation are to restore an injured worker’s earnings capacity as nearly as possible to that level that the worker was earning at the time of injury and to return the injured worker to suitable gainful employment in the active labor force as quickly as possible in a cost-effective manner. Vocational rehabilitation shall not be available for public employees who have retired from a public employer, as defined in section 76-11, with whom they sustained their work injury.

Employees of public employers, as defined in section 76-11, who are eligible for their respective public employer’s return to work program, shall participate in and complete the return to work program, including temporary light duty placement efforts, as a prerequisite to vocational rehabilitation benefits under this section.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2015.

(Approved June 26, 2015.)