

## HAWAII EMPLOYERS COUNCIL

2682 Waiwai Loop, Honolulu, HI 96819 P.O. Box 29699, Honolulu, HI 96820-2099  
808-836-1511 Telephone 1-800-392-3589 Neighbor Islands 808-833-6731 Facsimile



MARCH 5, 2008

### 2008 – Employment and Health Bills Remaining At First Crossover

#### Labor Relations/Employment Practices

- HB 2520 HD2 **Family Caregiving TDI/HFLL** – Permits employees to use up to 4 weeks of TDI benefits when taking leave to care for a family member with a “serious health condition” as defined by Hawaii Family Leave Law (“HFLL”). Provides for job protection of employees receiving TDI benefits for caregiving leave. Provides that if employer has a self-insured TDI plan that provides disability benefits through a sick leave plan, employees may use more than 10 days of paid sick leave for HFLL purposes. *Effective July 1, 2059.*<sup>1</sup>
- HB 1745 HD3 **Successor Employer** – Requires the purchaser of a business with 100 or more employees to hire all of the non-supervisory and non-confidential employees of the seller. Provides for penalties for violations, including payment of wages and benefits to employees not hired by the seller. *Effective upon approval.*
- SB 3051 SD1 **Criminal Records Checks** – Authorizes the Department of Human Services or its designee to conduct criminal record checks for persons providing services to vulnerable adults and children. *Effective upon approval.*
- SB 3080 SD1 **Criminal Records Checks** – Authorizes the Hawaii Health Systems Corp. to conduct FBI nationwide criminal records checks on employees, applicants, current or prospective contractors, providers, or volunteers. *Effective upon approval.*

#### Workers Compensation

- HB 1969 HD1 **Owner exclusion** – Excludes from workers compensation coverage sole proprietors, partners of partnerships, and partners in LLPs or members of LLC having at least a 50% ownership interest. *Effective upon approval.*
- HB 2386 **TTD Benefits** – Requires employer to pay temporary total disability (“TTD”) benefits regardless of any controversy over compensability and prevents termination of TTD benefits, unless an order of the Director of DLIR has approved such termination, or the claimant’s physician finds the claimant is able to return to work and the employer has made an offer of work within the claimant’s medical restrictions. *Effective July 1, 2008.*

---

<sup>1</sup>Bills are often given a “defective” effective date by a committee, to insure that the bill is not passed into law without further consideration and amendment. A proper effective date is then inserted before the bill is finally passed.

## Legislative Digest

### 2008 - Employment and Health Bills Remaining At First Crossover

Page 2

- HB 2388 **Medical Benefits** – Requires employer to continue to pay for medical services despite a dispute over continued treatment, and prevents termination of medical benefits without an order of the Director of DLIR. *Effective July 1, 2008.*
- HB 2929 HD1 **IME Examinations** – Requires that parties mutually agree on physicians conducting an independent medical examination (“IME) of the claimant, or a permanent impairment rating. Provides for selection process by Director of DLIR if parties cannot agree. Provides that IME physician selected by the parties or Director conduct the exam within 30 days of selection. *Effective July 1, 2059.*
- HB 2387 HD1 **IME Examinations** – Allows the Director of DLIR to appoint an impartial physician to conduct an IME of claimants, with the cost of the examination to be funded by the special compensation fund. *Effective July 1, 2059.*
- HB 2479 HD1 **Vocational Rehabilitation** – Expands eligibility for vocational rehabilitation to employees who are unable to return to their regular jobs after achieving maximum medical improvement, and are not offered work by their employer at their pre-injury earnings level. *Effective July 1, 2008.*
- HB 2017 **Vocational Rehabilitation** – Fixes drafting error. Provides that in returning an injured employee to suitable work, a VR provider must examine the feasibility of modified or other work with the employee’s “same” (rather than “different”) employer. *Effective July 1, 2008.*
- HB 3166 HD2 **Labor And Industrial Relations Appeals Board** – Authorizes the Labor and Industrial Relations Appeals Board to employ a hearings officer to expedite hearings on workers compensation treatment plan, vocational rehabilitation, and TTD issues. *Effective July 1, 2008.*
- SB 3088
- HB 2441 **Student Interns** – Provides that the state shall assume workers compensation liability for students participating in workplace learning programs approved by DOE or UH. *Effective upon approval.*

#### Unemployment Insurance

- HB 3168 **Experience Rating Transfers** – Conforms state unemployment insurance law to federal law by insuring uniform treatment of experience rating transfers. Clarifies that experience rating transfers for employers are effective beginning on the calendar year following the transfer. *Effective upon approval.*
- HB 2964 HD1 **Reed Act Funds** – HB 2964 and SB 2876 appropriate Reed Act funds for fiscal year  
SB 2876 2008-2009 to the county workforce investment boards and DLIR. *Effective July 1, 2008.*

#### Temporary Disability Insurance

- HB 2520 HD3 **Family Caregiving, TDI/HFLA** – See discussion above under Labor Relations/Employment Practices.

## Legislative Digest

### 2008 - Employment and Health Bills Remaining At First Crossover

Page 3

HB 3163 HD1 **TDI Special Fund** – Provides that TDI special fund may be used by DLIR for automation purposes, and appropriates \$5 million from TDI special fund to be used by DLIR to automate document filing and archives, and to provide for electronic filing of documents. *Effective July 1, 2009.*

#### Public Contracts/Prevailing Wages

HB 3029 HD1 **Commercial Projects on State Land** – Provides that construction projects of private  
SB 2780 SD2 entities on state or county land must be subject to Little Davis Bacon prevailing wage requirements, if the project is to be used for commercial, profit-making activities. *Effective July 1, 2008.*

HB 2927, SB 3087 SD1 **Contractor Suspension** – Amends Little Davis Bacon statute to require 3 year debarment for any contractor that interferes with or delays an investigation, or falsifies records, relating to prevailing wage laws. *Effective upon approval.*

HB 3030, SB 2779 **Emergency Suspension of Prevailing Wage Law** – Clarifies emergency circumstances under which the Governor may suspend prevailing wage laws. *Effective upon approval.*

#### Miscellaneous Employment-Labor

HB 2456 HD2 **Reciprocal Beneficiaries** – Excludes from a reciprocal beneficiary or domestic partner's gross income, adjusted gross income, and taxable income the value of health insurance and other benefits provided by an employer. Allows persons to claim a tax exemption for a reciprocal beneficiary or domestic partner. *Effective upon approval.*

HB 2974 HD2 **Unions (Government and Agricultural Workers)** – Provides that for governmental and  
SB 2594 SD1 agricultural workers covered by HRS Chapters 89 and 377, a union shall be certified as the employees' bargaining representative based on the receipt of a majority of authorization cards, and specifies that collective bargaining must commence within 10 days after any union is certified as a bargaining representative. *Effective July 1, 2008.*

#### Health and Insurance-Related Bills

SB 2530 SD2 **Insurance for Self-Employed** – Requires group health insurers to offer group health plans to any self-employed individuals who are licensed by the Dept. of Commerce and Consumer Affairs, and are located in the group issuer's service areas. *Effective July 1, 2008.*

HB 2224 HD1 **Health Coverage for Part-Time Employees** – Requires insurers offering group health care coverage to full-time employees of an employer to offer the same coverage to part-time employees working at least 15 hours per week, with insurance to be paid by employee. *Effective January 1, 2010.*

HB 2256 HD2 **Bundled Coverage** – Allows small insurers occupying less than 5% of the market to  
SB 2314 SD1 market different types of insurance in a single "bundled" policy, which must be purchased as an entire bundled unit by the consumer. *Effective January 1, 2010.*

## Legislative Digest

### 2008 - Employment and Health Bills Remaining At First Crossover

Page 4

HB 2255 HD2    **Employee Group Life Insurance** – Eliminates current requirement that employee group  
SB 3245 SD1    life insurance policies must cover at least 10 employees. *Effective upon approval.*

#### Miscellaneous Bills of Interest

SB 3171 SD1    **Charities** – Requires charitable trusts and nonprofit organizations to register and file  
annual reports with Attorney General; authorizes Attorney General to conduct  
investigations of charities and non-profits; prohibits contracting with unregistered  
solicitors. *Effective July 1, 2008.*