H.B. NO. 3166

A BILL FOR AN ACT

RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to authorize the labor and industrial relations appeals board to employ a hearings officer. Enabling language regarding a hearings officer in this statute would allow the board to expedite hearings on workers' compensation treatment plan issues, vocational rehabilitation issues, and temporary total disability issues. The hearings officer would hear these issues and propose a decision and order for review and approval by the full Board. This would afford expedited resolution of time-sensitive matters appealed from decisions of the director of labor and industrial relations to the board.

SECTION 2. Section 371-4, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The chairperson of the appeal board shall be responsible for the administrative functions of the appeal board. The appeal board may:

1 (1) Appoint an executive officer and hearings officer, and
2 employ other employees as it deems necessary in the
3 performance of its functions;
4 (2) Set the duties and compensation of the executive
5 officer, hearings officer, and employees; and
6 (3) Provide for the reimbursement of actual and necessary
7 expenses incurred by the executive officer, hearings
8 officer, and employees in the performance of their
9 duties, within the amounts made available by
10 appropriations therefor.
11 Members of the appeal board and employees other than
12 clerical and stenographic employees shall be exempt from
13 chapters 76 and 89. Clerical and stenographic employees shall
14 be employed in accordance with chapter 76."
15 SECTION 3. New statutory material is underscored.
16 SECTION 4. This Act shall take effect upon its approval.
17
18 INTRODUCED BY: Calvin K.Y. Say
19 BY REQUEST
20 JAN 22 2008
21

H.B. NO. 3166

Report Title:
Labor and Industrial Relations Appeals Board; Expedited Hearings

Description:
Authorizes the Labor and Industrial Relations Appeals Board (Board) to employ a hearings officer, as well as to allow that hearings officer to hold a hearing, in order for the Board to expedite hearings on certain workers' compensation matters.

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JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations Appeals Board

TITLE: A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD.

PURPOSE: To authorize the Labor and Industrial Relations Appeals Board ("Board") to employ a hearings officer in order for the Board to expedite hearings on certain workers' compensation matters. The hearings officer would hear certain types of appeals and propose a decision and order for review and approval by the full board. This would allow for expedited resolution of those appeals.

MEANS: Amend Section 371-4(f), Hawaii Revised Statutes.

JUSTIFICATION: Certain issues appealed from decisions of the Director of Labor and Industrial Relations to the Board, including workers' compensation treatment plan issues, vocational rehabilitation issues, and temporary total disability issues are time-sensitive. Expediting decision making on such appeals can be achieved through fast-tracking these particular appeals through a hearings officer trained, employed, and directed by the chair and members of the Board. A proposed decision and order prepared by the hearings officer would then be reviewed and approved by the Board.

Impact on the public: Faster adjudication of time sensitive issues on appeal from the Department of Labor and Industrial Relations will bring quicker resolution to injured workers and employers.

Impact on the department and other agencies: The additional hearings officer will allow

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the Board to reduce the case load of pending appeals.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LBR-812

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.