

THE SENATE

Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State Capitol, Conference Room 016
Friday, January 29, 2016; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2215
RELATING TO EMPLOYMENT**

The ILWU Local 142 **supports** S.B. 2215, which appropriates funds for hiring of six hearing officer positions and support staff within the Department of Labor and Industrial Relations' Disability Compensation Division and to provide the officers and staff with legal and medical training.

The Disability Compensation Division (DCD) has been short-staffed for several years. The hiring of additional hearing officers will ensure that hearings are held in a timely manner, avoiding delays to medical treatment for injured workers and delays in payment of benefits.

However, the real concern is the trend by employers to challenge compensation for injured workers, resulting in injured workers left in limbo waiting for medical treatment to help them return to gainful employment or being denied monetary compensation that would allow them to survive while they are not able to work.

The workers' compensation law was intended to be a no-fault law that provides compensation to workers who are injured in the course of employment. In exchange, workers are prohibited from filing legal action against their employers. Yet, in recent years, employers have been using the tactic of denying liability in order to conduct an "investigation" of the claim, which often means hiring so-called independent medical examiners who are paid by the employer or the employer's insurance carrier and may not be entirely "independent" or unbiased.

The workers' compensation system requires a thorough evaluation and assessment to ensure that the original intent of the law is enforced and that injured workers are provided benefits and services to allow them to return to work. Delays that ultimately result in workers injured on the job no longer being gainfully employed and thus having to rely on government assistance is a gross injustice.

The ILWU urges passage of S.B. 2215. Thank you for the opportunity to provide testimony on this matter.

Testimony of Brooke Wilson
Pacific Resource Partnership

State of Hawaii
Senate Committee on Judiciary and Labor

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

SB 2215 – Relating to Disability Compensation Division
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Aloha Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

We are in **support** of SB 2215. This bill appropriates funds for the hiring of six hearing officer positions and support staff within the Department of Labor and Industrial Relations' Disability Compensation Division (DCD) and to provide the officers and staff with legal and medical training.

The DCD is understaffed, and it is extremely difficult for the Department to keep up with the efforts required by state statute. We would welcome the additional capacity and training to assist with the administration of the Workers' Compensation (WC) law, the Temporary Disability Insurance (TDI) law, and the Prepaid Health Care (PHC) law.

Thank you for the opportunity to share our opinion and we respectfully request support of SB 2215.

About PRP

Pacific Resource Partnership (PRP) is a not-for-profit organization that represents the Hawaii Regional Council of Carpenters, the largest construction union in the state, and more than 240 of Hawaii's top contractors. Through this unique partnership, PRP has become an influential voice for responsible construction and an advocate for creating a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs and enhances the quality of life for all residents.

