
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Chapter 386, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . FILLING OF TEMPORARY VACANCIES**

5 **§386-A Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "State employee" means a person employed by the State of
8 Hawaii who is unable to work because of an injury suffered
9 during the person's employment and who is receiving workers'
10 compensation benefits because of the injury.

11 "Temporary employee" means a person who is filling a state
12 employee's position pursuant to this part.

13 **§386-B Filling of temporary vacancies.** (a) If a state
14 employee is unable to work for six months, the director shall
15 make a determination whether the state employee will be able to
16 return to work within one year. The director may consult with a
17 group of health group providers in making this determination.



1 If the director determines that the state employee is unable to
2 return to work within one year, the director shall coordinate
3 with the hiring authority of the state employee to temporarily
4 fill the state employee's position while the state employee is
5 incapacitated.

6 (b) The director shall ensure that each state position
7 that remains vacant for a period of one year or longer because
8 of a state employee's incapacity shall be filled by a temporary
9 employee for the remainder of the period for which the state
10 employee continues to receive workers' compensation benefits.

11 (c) If the director determines that a state employee is
12 unable to return to work within one year, the director shall
13 work with the state employee's hiring authority to ensure that
14 the wages of the position that is temporarily vacated by the
15 state employee is deposited into the workers' compensation
16 temporary vacancy special fund and that those wages are paid to
17 the temporary employee filling the state employee's position.

18 **§386-C Workers' compensation temporary vacancy special**
19 **fund.** (a) There is established the workers' compensation
20 temporary vacancy special fund within the department into which
21 shall be deposited the following moneys:



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- 1 (1) State employee wages; and
- 2 (2) Appropriations by the legislature.
- 3 (b) The fund shall be used to pay the wages of temporary
- 4 employees pursuant to section 386-B."

5 SECTION 2. In codifying the new sections added by section
 6 1 of this Act, the revisor of statutes shall substitute
 7 appropriate section numbers for the letters used in designating
 8 the new sections in this Act.

9 SECTION 3. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: *Hakkarina*
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JAN 28 2015



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Report Title:

Workers' Compensation; Temporary Vacancies; State Employees

Description:

Requires the Director of Labor and Industrial Relations to determine if the positions of state employees receiving workers' compensation benefits should remain vacant for one year or longer. Provides for the filling and funding of the temporarily vacant positions. Establishes a funding mechanism.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

