

MAR 10 2023

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO PROVIDE AND PRODUCE UPDATED ACTUARIAL STUDIES REGARDING THE LIFESPAN PROBABILITIES OF SURVIVING DEPENDENT BENEFICIARIES FOR THE PURPOSE OF APPLYING HAWAII'S WORKERS' COMPENSATION LAW.

1 WHEREAS, the purpose of the workers' compensation law is to
2 compensate workers and their dependents fairly and equitably in
3 the event of work-related disability or death; and

4
5 WHEREAS, chapter 386, Hawaii Revised Statutes (HRS)
6 establishes Hawaii's workers' compensation law; and

7
8 WHEREAS, section 386-41, HRS, makes distinctions among
9 dependent surviving spouses, dependent surviving children,
10 dependent surviving parents, and dependent surviving
11 grandparents of deceased lawfully covered employees for purposes
12 of calculating various weekly benefit amounts; and

13
14 WHEREAS, section 386-41, HRS, also makes a distinction
15 between wholly dependent and partially dependent parents for
16 purposes of calculating weekly benefit amounts; and

17
18 WHEREAS, the Department of Labor and Industrial Relations
19 is tasked with implementing chapter 386, HRS, including section
20 386-41 thereof; and

21
22 WHEREAS, the Department of Labor and Industrial Relations
23 customarily conducts an administrative hearing to determine in
24 certain cases whether a surviving beneficiary was wholly or
25 partially dependent on the deceased employee; and

26
27 WHEREAS, according to its oral testimony before the Senate
28 Committee on Labor and Technology concerning Senate Bill
29 No. 1115 (2023) on February 15, 2023, the Department of Labor
30 and Industrial Relations asserted that it continues to base its



1 calculations for different generations of surviving
2 beneficiaries using an actuarial table created in 1963; and
3

4 WHEREAS, longevity and generational dependency trends may
5 well have changed significantly over the course of sixty years,
6 resulting in unreasonable and unfair distribution of benefits by
7 current parameters; now, therefore,
8

9 BE IT RESOLVED by the Senate of the Thirty-second
10 Legislature of the State of Hawaii, Regular Session of 2023, the
11 House of Representatives concurring, that the Department of
12 Labor and Industrial Relations is requested to research current
13 actuarial data and population studies for the purpose of
14 creating updated materials for assessing appropriate benefit
15 amounts for dependent surviving spouses, dependent surviving
16 children, dependent surviving parents, and dependent surviving
17 grandparents, as well as establishing updated standards for
18 distinguishing wholly dependent beneficiaries from partially
19 dependent beneficiaries; and
20

21 BE IT FURTHER RESOLVED that the Department of Labor and
22 Industrial Relations is requested to deliver to the President of
23 the Senate and the Speaker of the House of Representatives, the
24 Chairperson of the Senate Committee on Labor and Technology, and
25 the Chairperson of the House Committee on Labor and Operations a
26 report summarizing the results of its research, along with
27 recommendations for revising the differing amounts of weekly
28 benefits to surviving beneficiaries based on relationship status
29 and degree of dependency, if any, and further suggest necessary
30 legislation for implementation of any necessary adjustments; and
31

32 BE IT FURTHER RESOLVED that the requested report be
33 delivered to the aforementioned persons no later than thirty
34 days prior to the convening of the Regular Session of 2024; and
35

36 BE IT FURTHER RESOLVED that a certified copy of this
37 Concurrent Resolution be transmitted to the Director of Labor
38 and Industrial Relations.
39
40
41

OFFERED BY: 

