

Aiding businesses or business as usual?

THE CHAMBER VIEW

by Pamela Tumpap



Bills of the past are back to haunt us, and they beg the question: Are we going to work to aid strugg-

ling businesses during these economic times? Or we going to continue to push through bills that increase the cost of doing business and put even more burdens on the business sector?

Much has been said about cooperating with and supporting businesses, but many of the labor bills moving forward tell a different story.

The House Labor and Public Employment Committee heard three workers' compensation bills Tuesday. Two of these bills, House Bill (HB) 1288 and HB1279, passed last legislative session, were vetoed by

the governor, and were not overridden by the Legislature during the 2008 Special Session.

- HB1288 requires independent medical examinations and permanent-impairment-rating examinations to be performed by physicians mutually agreed upon by employers and employees or appointed by the director of labor and industrial relations. Chambers of Commerce oppose this bill. It passed Tuesday with a time-frame amendment.

- HB1279 requires the employer to continue medical services to an injured employee, despite disputes over whether treatment should be continued, until the director of labor and industrial relations decides whether treatment should be continued. Chambers oppose this bill. It passed Tuesday, unamended.

Committee members also heard HB602, which chambers support. This bill exempts from the workers' compensa-

tion law an individual who is a member of a limited-liability company; is a partner of a limited-liability partnership who has a distributional interest in the company or partnership of at least 50 percent; is a partner of a partnership; or is a sole proprietor. It passed Tuesday, unamended.

Three Maui representatives are on the House Labor and Public Employment Committee — Rep. Kyle Yamashita, who serves as vice chairman, and Reps. Gilbert S.C. Keith-Agaran and Joe Souki.

With the exception of HB602, which goes to the Economic Revitalization, Business Concerns and Military Committee, the bills are heading to the Finance Committee.

The Senate Labor Committee heard Tuesday three workers' compensation bills — SB62, SB63 and SB695, all similar to those heard by the House Labor Committee — and a "Successor Employer" bill, SB688.

- SB62 requires independent medical examinations and permanent-impairment-rating examinations to be performed by physicians mutually agreed upon by employers and employees or appointed by the director of labor and industrial relations. Chambers oppose this bill. It passed with amendments, with four "ayes" and one "no" vote from Sen. Sam Slom.

- SB63 requires an employ-

er to pay temporary total disability benefits, regardless of whether the employer controverts the right to benefits, and specifies that the employee's ability to return to work is to be decided by the employee's treating physician. It convenes a working group and is effective upon approval for the convening of the working group, or by July 1, 2010; if there is no consensus in the working group. Chambers oppose this bill. It passed with amendments, with four "ayes" and one "no" vote from Sen. Slom.

- SB695 requires the employer to continue medical services to an injured employee, despite disputes over whether treatment should be continued, until the director of labor and industrial relations decides whether treatment should be continued. Chambers oppose this bill. It passed with amendments, with four "ayes" and one "no" vote from Sen. Slom.

- SB688 establishes job-security requirements upon the divestiture of a covered establishment. This bill requires the new employer to retain 100 percent of the nonsupervisory work force. A similar bill was heard in the House on Jan. 30. Chambers oppose this bill. It passed with four "ayes" and one "no" vote from Sen. Slom.

The Senate Health Committee and Commerce and Consumer Protection Committee also heard SB173 on Tuesday. It requires employers to pro-

vide prepaid health insurance to all regular employees. In this bill, the definition of "regular employee" has been amended by removing the "20 hours or more per week" requirement to qualify for prepaid health care. Chambers oppose this bill. It was deferred to this past Thursday.

It is noteworthy that Feb. 3, the House Labor and Public Employment Committee passed the "Card Check" bill. This bill streamlines union organizing, and chambers of commerce adamantly oppose it. Maui Reps. Keith-Agaran and Souki voted in favor, with Rep. Yamashita voting "aye with reservations." It next will be heard in the House Economic Revitalization, Business Concerns and Military Committee chaired by Maui Rep. Angus McKelvey.

The Maui Chamber of Commerce testified as indicated above on each of the foregoing bills.

So where is the increased support for businesses? We cannot keep doing business as usual and pass these types of measures, leaving them to the governor to veto. It is not acceptable or right, and we will hold elected officials accountable. Please call Maui legislators and ask them to oppose all bills that hurt, rather than help, businesses.

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is president of the Maui Chamber of Commerce.