

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 5, 2005

Committee
Report No.

05-101

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on June 28, 2005 and July 12, 2005, makes reference to County Communication No. 05-204, from the Corporation Counsel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.16.020, MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION".

The purpose of the proposed bill is to amend Section 3.16.020 of the Maui County Code relating to the settlement of claims and other civil litigation, including the addition of language regarding the settlement of workers' compensation claims.

At its meeting of June 28, 2005, your Committee met with a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the proposed bill. She indicated that awards in workers' compensation cases are decided by formula as set forth by State law. The proposed bill would allow the Department of the Corporation Counsel to settle such cases based upon the applicable permanent partial disability rating and up to 2 percent for residual damages for each injured body part and no more than \$1,000 for disfigurement.

After a brief discussion, your Committee agreed to defer the matter pending further discussion.

At its meeting of July 12, 2005, your Committee met with a Deputy Corporation Counsel.

There was no public testimony.

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The Deputy Corporation Counsel provided your Committee with a computer-generated slideshow regarding workers' compensation settlements. The presentation was also provided in a printed format.

Your Committee discussed the number of cases that are settled that are not rated by an independent medical examiner (IME). The Deputy Corporation Counsel indicated that most cases that are not rated by an IME do not settle.

Your Committee discussed the calculation of injuries for multiple body parts and how these separate calculations are combined to reach a total compensation amount.

Your Committee discussed the balance between examining County practices regarding employee injuries and the need to streamline the procedures for the benefit of the County employees.

Your Committee voted to recommend passage of the proposed bill on first reading and filing of the communication.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Bill No. _____ (2005), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.16.020, MAUI COUNTY CODE, RELATING TO SETTLEMENT OF CLAIMS AND OTHER CIVIL LITIGATION" be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 05-204 be FILED.

Adoption of this report is respectfully requested.

