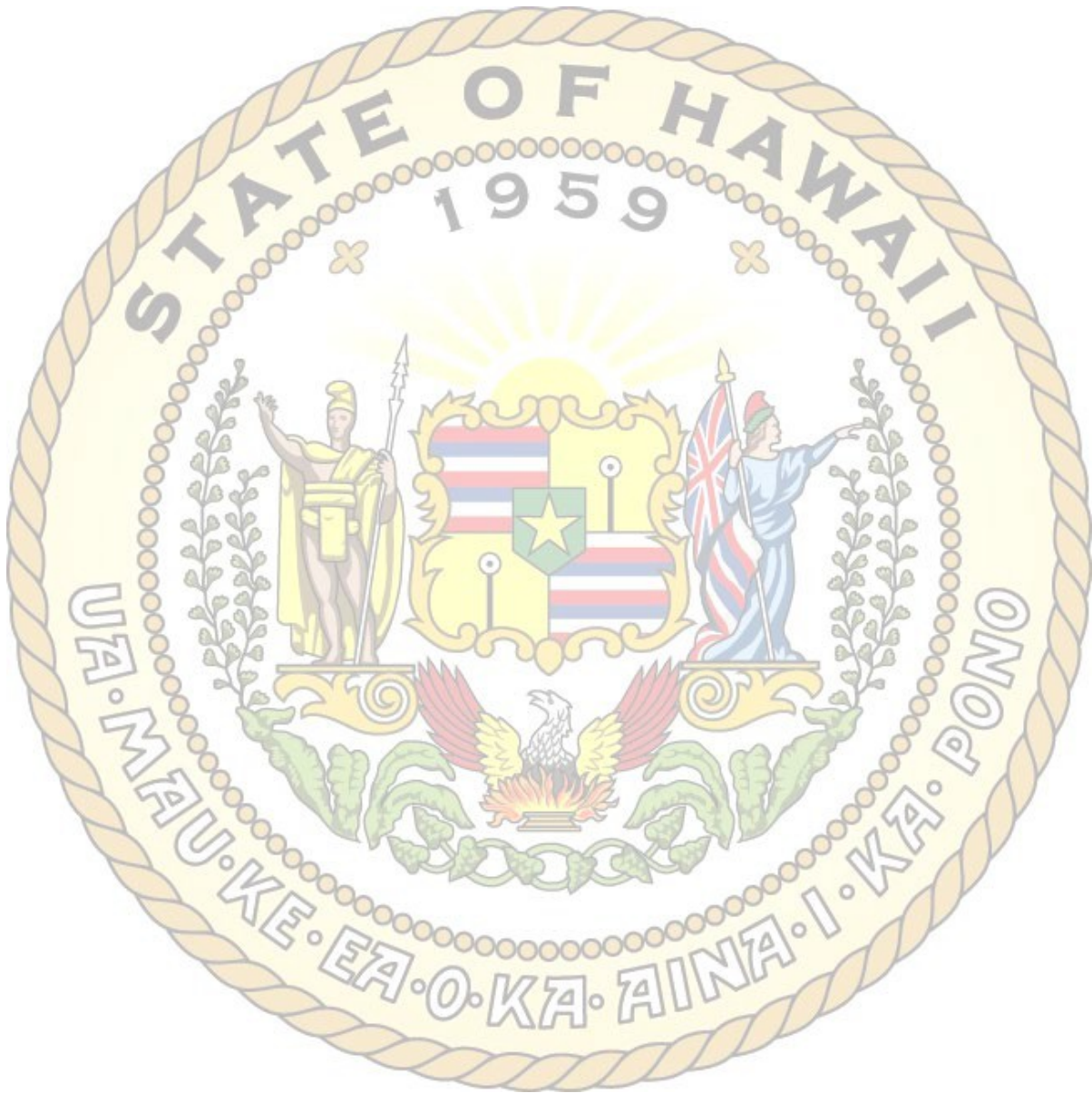


**DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS'
ANNUAL REPORT
2022-2023**



DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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MARCUS OSHIRO, Chairperson of the Hawaii Labor Relations Board

JOHN P. MIHLBAUER, JR., Chairperson of the Hoisting Machine Operators Advisory Board

DAMIEN ELEFANTE, Chairperson of the Labor and Industrial Relations Appeals Board

JOVANIE DOMINGO DELA CRUZ, Executive Director of the Office of Community Services

KAZUO TODD, Chairperson of the State Fire Council

BENNETTE MISALUCHA, Executive Director of the Workforce Development Council

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

TTY/TDD Dial 711 then ask for (808) 586-8842

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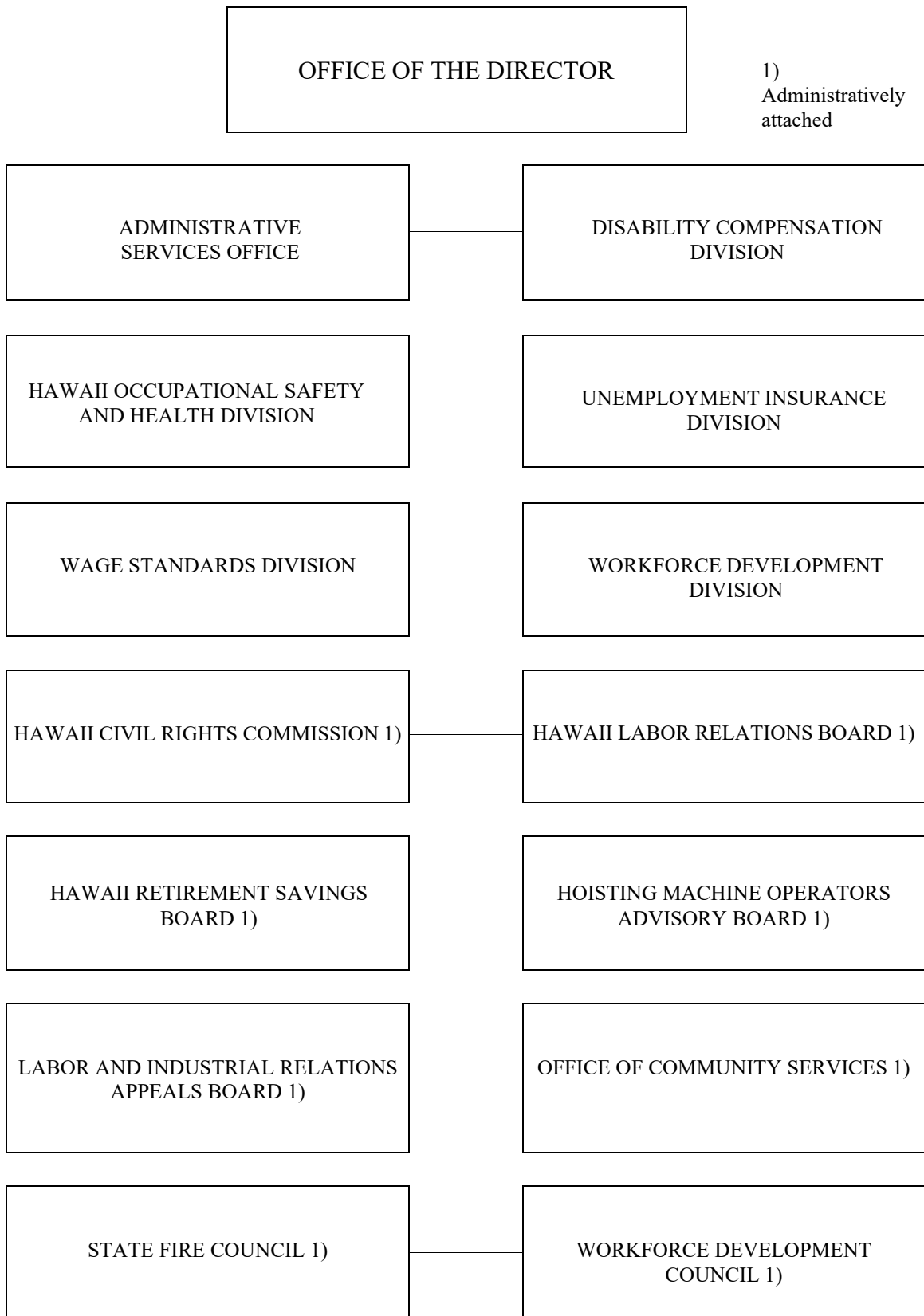
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In accordance with section 93-16, Hawaii Revised Statutes, the Department's Non-General Fund Reports and other reports may be viewed electronically at <https://labor.hawaii.gov/find-a-report/>.

STATE OF HAWAII
DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
ORGANIZATION CHART



The purpose of the Workers' Compensation law is to provide wage loss compensation and medical care to those employees who suffer work-related injuries. Workers' Compensation is an employer paid insurance program that provides economic relief for employees injured on the job. WC benefits include medical and hospital expenses, lost wages, permanent disability disfigurement, and vocational rehabilitation.

The PHC law requires that employers provide employees adequate medical coverage for non-work-related illness or injury if employees meet the qualifying conditions of the law. Coverage includes hospitalization, surgery, physician office

The DCD's mission is to provide economic security and stability for Hawaii's workforce through education, enforcement, and adjudication of the WC, TDI, and PHC laws. Its primary objectives include ensuring efficient processing of claims; timely provision of medical services and payment of benefits to injured workers; employer compliance with WC, TDI, and PHC insurance coverage requirements and monitoring health plans to ensure employees are provided with the benefits that are required under the PHC law.

The DCD plans, directs, and coordinates statewide activities relating to interpretation, implementation, and administration of WC, TDI and PHC laws, rules, regulations, policies, and procedures. The division's staff of 87 employees is organized into three (3) program offices (WC, TDI/PHC, and Program Support) and five (5) operational branches (Plans, Enforcement, WC Claims, Hearings, and Vocational Rehabilitation). The main office is in Honolulu with district offices on the Neighbor islands (Wailuku-Maui, Kealahou-Hawaii, Hilo-Hawaii, and Lihue-Kauai).



Hawaii Occupational Safety and Health

The Hawaii Occupational Safety and Health Division (HIOSH) ensures compliance with two laws:

- Chapter 396, HRS, The Hawaii Occupational Safety and Health Law, which states that every employee in the State should have safe and healthful working conditions; and
- Chapter 397, HRS, The Hawaii Boiler and Elevator Safety Law, which mandates the safe operation and use of boilers, and pressure systems; elevators, lifts, kindred equipment, and amusement rides.



Occupational Safety and Health (OSH) Program (Chapter 396, HRS) staff engages in the following activities, with the goal of encouraging voluntary compliance with the law and administrative rules:

- The HIOSH enforcement staff conducts programmed inspections of high hazard workplaces, and responds to accidents, complaints, and referrals. VPP evaluations are done to identify and recognize exemplary employers.
- HIOSH consultants conduct workplace audits to improve employers' safety and health management systems in response to requests from employers. This service is free and confidential. SHARP evaluations are done to identify and recognize small employers with effective safety and health programs.
- Certifications are issued to qualified individuals in the following areas: explosives and pyrotechnics; certified safety and health professionals; and hoisting machine operators.

Promulgation of OSHA Standards

HIOSH is required to adopt "as effective as" administrative rules within 6 months of OSHA's adoption. These safety and health standards state

what employers must do to ensure safe and healthful workplaces for their employees.

HIOSH receives 50% federal funding for the compliance program and 90% federal funding for the on-site consultation program. OSHA does not permit federal funds to be used for the certification programs that are 100% state funded, except for the hoisting machine operators' certification that is 100% special funded. The U.S. Occupational Safety and Health Administration (OSHA) provides oversight of the program, requiring benchmark staffing levels as well as performance and timeliness criteria for mandated activities.

The Boiler and Elevator (BE) Inspection Branch staff (Chapter 397, HRS) staff conducts the following activities with the goal of public safety through voluntary compliance with the law and administrative rules:

- Inspections of equipment at specific intervals to assure its safe operation and use. Equipment determined to be satisfactory are issued permits to operate.
- Investigations of accidents and some complaints.
- Review of installation and alteration plans to ensure that the equipment is being constructed/installed/altered in accordance with safety codes. A permit to install/alter is issued to initiate the construction work.
- Certifications are issued to special boiler inspectors to enable them to perform third party inspections of boilers and pressure systems.
- Reviews and audits of companies authorized by the National Board of Boiler and Pressure Vessel Inspectors to enable Hawaii companies to perform necessary repairs and alterations to critical equipment in the State.

HIOSH only met 84% of its Fiscal Year 2023 Federal grant objectives due to the continued loss of staff. Federal OSHA approved HIOSH Fiscal Year 2024 Federal grants submittals. The Boiler/Elevator Branch has filled 8 of its 11 elevator inspector positions, while Boiler completed inspections are at 77%. Recruitment, filling vacant positions, and retention of staff are ongoing concerns for all HIOSH's branches.

Hawaii Occupational Safety and Health

HIOSH joined with Federal OSHA Region 9 staff to aid the County of Maui in response to the Maui Wildfires Disaster on August 8, 2023. HIOSH worked with Federal OSHA to facilitate the donation of about \$1 million worth of personal protective equipment (PPE) to the County of Maui for use in its response and recovery efforts. HIOSH staff conducted inventory management and distribution of the donated PPE. In addition, HIOSH staff assisted OSHA Region 9 staff with the Hazard and PPE Assessment Informational Seminars for county and private sector employees. HIOSH maintained presence on Maui from August 29, 2023 through October 6, 2023.



Unemployment Insurance Division

The Unemployment Insurance (UI) program provides temporary partial wage replacement to eligible workers and stabilizes the economy during recessions. Administrative costs to operate the UI program are funded 100% by federal (FUTA) taxes paid by employers. UI benefits paid to eligible jobless persons are paid by state unemployment taxes assessed on businesses.

While the UI system is administered under state statutes, the U.S. Department of Labor regulates conformity with federal laws and oversees compliance with performance standards for state to be certified to receive federal grants to operate the UI system and to qualify for FUTA tax offsets. This includes having an independent appeal process to review UI determinations, which is conducted by the Employment Security Appeals Referees' Office (ESARO).

Eligibility for jobless benefits is contingent upon meeting specific legal requirements under Chapter 383, Hawaii Revised Statutes, including involuntary unemployment, workforce attachment and ability to/availability for work. For Calendar Year (CY) 2023, individuals can collect up to a maximum of \$763 per week for 26 weeks. Nearly 100% of all applications and weekly certifications are processed through an online filing system, which provides flexibility, security, and convenience for claimants. Access to the web-based system is possible by computers or mobile devices. UI payments are transmitted through direct deposits to claimant bank accounts.

Improved customer service and program integrity continue to be UI priorities that influence changes to business models to meet clients' expectations. Upgrades and stabilization to current UI automated systems are steps being taken to increase program efficiency and effectiveness.

Major 2023 initiatives include:

- Limited English Proficient (LEP) - UI expanded the web claim filing system to provide Japanese and Tagalog translations for LEP individuals. The languages add to the existing Simplified Chinese translations and were selected based on available data from the

- U.S. Census Bureau. These enhancements support the Department's overall efforts to provide meaningful access to its customers.
- Identity Verification – The UI partnered with the U.S. DOL and U.S. Postal Service to offer claimants the ability to provide the identity proofing required to initiate a claim through two new sources—Login.gov and in-person at a USPS location. These methods prevent bad actors from receiving undue benefits and expedite benefits to those that need it most, while also ensuring the integrity of the UI system.
- Disaster Unemployment Assistance (DUA) – In response to the devastating Maui Wildfires, the UI applied for, developed, and launched the DUA program, which provides benefits for workers, business owners, and self-employed individuals whose unemployment was a direct result of the disaster.
- Enhanced UI Call Center – To better assist those impacted by the Maui Wildfires, the UI Call Center extended its days and hours of operations to seven days a week from 7:00 a.m. to 6:00 p.m.
- Disaster Recovery Center (DRC) Services – To support the Maui community, the UI deployed experienced and specialized staff to Maui to serve in the DRC at the Lahaina Civic Center. The staff provided in-person claims services to the survivors and further supported the existing Maui Claims Office in Wailuku.



Wage Standards Division



The mission of the Wage Standards Division (“WSD”) is “Service with Aloha to Improve the Quality of Work-Life in Hawaii.”

The WSD protects Hawaii’s workers by administering and enforcing six different labor laws related to wages in the Hawaii Revised Statutes (HRS). The laws operate to keep young workers safe in the workplace (Child Labor Law, Chapter 390, HRS); ensure employees are paid their wages due (Wage and Hour Law, Chapter 387, HRS; Payment of Wages and Other Compensation Law, Chapter 388, HRS; Wages and Hours of Employees on Public Works Law, Chapter 104, HRS), and provide job protection when family members need care (Hawaii Family Leave Law, Chapter 398, HRS) or an employee is discharged or discriminated against because of a lie detector test, a workers’ compensation injury, or taking an on-site drug screening (Employment Practices Law, Part II – Lie Detector Test and Part III – Unlawful Suspension or Discharge).

Highlights and Activities

The Compliance Branch resolved 269 cases this fiscal year. This included issuing 4 *Notifications of Violation* to contractors on public works projects that violated the Prevailing Wage Law under Chapter 104, HRS, and ordered \$69,035 in Chapter 104, HRS, penalties to be the State General Fund.

There were 53 *Orders of Wage Payment Violation* to employers in violation of Chapter 388, HRS. Penalties for employees and the *Labor Law Enforcement Special Fund* totaled \$71,407. The Compliance Branch identified \$250,305 in back wages due for 118 workers.

The Hearings Branch disposed of 63 unlawful termination due to work injury claims and resolved 6 *Orders of Wage Payment Violation* appeals and 1 *Notification of Violation* appeal.

The Intake and Certification Branch processed 235 complaints, conducted 2 Chapter 104 workshops, presented 1 workshop covering all laws enforced by the WSD, made 1 presentations on *Chapter 388 Orders of Wage Payment Violation*, resolved 24 child labor investigations, and responded to 3,716 inquires.

The number of child labor permits issued was 11,572. There were 56 variances and addendums granted to television and film productions such as “Magnum P.I.,” “NCIS Hawaii,” “Doogie Kamealoha,” “Aloha Heart,” “Lilo & Stitch,” “Red One,” and other films and television commercials, to permit minors under age 16 to work beyond the hours permitted under the Child Labor Law

Workforce Development Division



The Workforce Development Division (WDD):

- Plans, coordinates, and implements a statewide, customer-driven workforce development system with partner agencies.
- Delivers employment and training services to job applicants, workers, and industries.
- Services include a referral and placement service that links qualified job seekers with employers at no cost to the public.
- Partners include but are not limited to the DOE Adult Education; DHS Division of Vocational Rehabilitation (DVR); Community Colleges, State Workforce Development Council (WDC), Counties, business associations, labor organizations, community-based organizations, and other agencies.

EMPLOYMENT & TRAINING FUND (ETF)

ETF provides employers training subsidies for their workers to learn new skills for their jobs. With rapid changes in technology, employees can continue to be competitive in their industries. Through ETF, training

costs can be subsidized up to a maximum \$400 or 50% of the employers' cost. There are 13 ETF training vendors available to provide training to incumbent worker training. Over 70 employers participated by referring their employees to various training courses during PY 22. In PY 22 (FY 23), many training sessions that were conducted remotely during the pandemic (PY 20 – PY 21), moved to in-person sessions.

FEDERAL BONDING

WDD operates a federal bonding program that is 100% federally funded. The Fidelity Bonding Demonstration Grant makes bonds for employers available for those who hire justice involved individuals. The \$25,000 funds go towards bonds which are good until April 6, 2025, or until all funds are expended. During PY 22, three (3) bonds were issued.

HIRENET
HAWAII

HI CAN Hawai'i Career Acceleration Navigator
HIRENET HAWAII'I and HI CAN
HireNet Hawai'i
(www.hirenetHawaii'i.com), the State's

Workforce Development Division

electronic job board and management information system for case management system, connects employers and jobseekers at all AJCs statewide at no cost to the public. The vendor, Geographic Solutions, has customized HireNet Hawai'i (HNN) for Hawai'i's workforce programs. Modules are continually updated to streamline aspects of case management, document management, or to add features for new programs (such as the QUEST NDWG grant) in PY 22. Those with internet access and a computer can self-register and benefit from online services, while those with individualized service needs can contact their nearest AJC Hawai'i. A total 4,101 participants used HNN to obtain individualized services during PY 22. Registration videos in diverse languages help to facilitate registration.

Developed in partnership with the DLIR, the Hawai'i Career Acceleration Navigator (HI CAN) uses Machine Learning (ML), Artificial Intelligence (AI), State administrative data, and cloud computing to generate custom recommendations and job matches. By combining technology with a human-centered approach, HI CAN gives jobseekers personalized, data-driven job and training recommendations. Referrals to supportive services are integrated to those conducting career research.



MIGRANT SEASONAL FARM WORKERS (MSFW)

WDD implements the MSFW program under the Wagner-Peyser program, providing employment services, benefits, and protections to MSFWs. The State's Agricultural Outreach Plan was updated in PY 21 with plans for the State to streamline its outreach strategies, which continued in PY 22.

The State Monitor Advocate based in Maui County continued outreach in Maui and as planned, expanded outreach to WDD staff in Hawai'i County (Kona). Presentations were delivered to businesses, Hawaiian Honeybee and Greenwell Coffee, which included speaking to management about overall workforce services available to their workers. AJC staff on the island of Hawai'i received technical assistance regarding the MSFW program and planned outreach services, so they might better identify potential participants. Future outreach will target AJC staff and specific agricultural businesses on Oahu and Kauai.

NATIONAL DISLOCATED WORKER GRANTS (NDWG) - QUEST

Hawai'i's DLIR WDD was awarded \$10,595,171 under a Quality Jobs, Equity, Strategy, and Training (QUEST) National Dislocated Worker Disaster Recovery grant to assist individuals who have been adversely affected by the COVID-19 pandemic to enter, return to, or advance in high-quality jobs in growth industries. The two-year grant spans from September 2022 to September 2024.

Eligible individuals include those who were temporarily or permanently laid off as a consequence of the COVID-19 pandemic disaster, dislocated workers, long-term unemployed, or self-employed individuals who became unemployed or significantly

Workforce Development Division

underemployed due to the COVID-19 pandemic disaster. Groups targeted within the eligible population consist of historically underserved communities including individuals who are low-income, long-term unemployed, Native Hawaiians, Pacific Islanders, senior citizens (55 years and older), women, persons with a disability, veterans, and individuals with low basic skills.

The Counties of Oahu, Hawai'i, and Maui and the WDD are the project operators within each AJC with the Chamber of Commerce of Hawai'i and The Kalaimoku Group (TKG) as contracted partners for sector partnership and outreach activities, respectively.

Various employment services are provided by the project operators with paid internships in government and the private sector to assist participants in gaining exposure and experience to qualify for unsubsidized jobs. Business engagement activities are coordinated with the Chamber of Commerce of Hawai'i.

In PY 22, activities focused mainly on administrative development of policies and contracts, coupled with staff training and development of relationships among the Chamber of Commerce of Hawai'i, TKG, and the AJCs for coordination of activities. It is anticipated that with this foundation, participant services and enrollments will take place at an accelerated pace in PY 2023 to meet the goal of serving 300 participants Statewide.

NATIONAL DISLOCATED WORKER GRANTS (NDWG) – MAUI WILDFIRE DISASTER RECOVERY

The Maui Wildfire Disaster Recovery NDWG began August 25, 2023. Activities

during September 2023 consisted primarily of administrative tasks and during October and November focused on outreach and enrollments as summarized below:

DLIR's contract with Maui Economic Opportunity Inc (MEO) was developed and executed for the provision of services on Maui, effective October 1, 2023. As an established community-based organization, MEO is well positioned within a large network of public and private social services and employment-related service organizations. It is also a recipient of several non-DOL funded grants, including TANF outreach, that serve Maui wildfire victims. MEO is a current DLIR provider for SCSEP services on Maui.



Under the Maui NDWG, MEO focuses on developing temporary jobs in the private sector for clean up, restoration, and humanitarian services related to the wildfires. MEO contracted a staffing agency, Employer Options, to act as the employer of record for their temporary jobs. MEO also provides various employment related services to participants, including comprehensive assessment, development of Individual Employment Plan, supportive services, and vocational counseling. In addition, mobile services will be available for ease of accessibility to DLIR's services.

Workforce Development Division

DLIR WDD Maui Branch, as another service provider for the Maui NDWG, focuses on creating temporary jobs with state agencies related to wildfire clean up, restoration, and humanitarian services. As with MEO, WDD Maui provides various individualized career services and applicable supportive services as needed.



DLIR WDD is currently in discussion with Maui County HR for the possibility of temporary jobs in the County.

Both MEO and WDD Maui staff participated in numerous recurring disaster related activities and disaster relief sites.

Initially, WDD Maui used their Rapid Response funds to staff the disaster centers and attend numerous outreach events. These opportunities enabled MEO and WDD to provide information about the temporary jobs and other services available under the Maui NDWG. However, most residents were too traumatized at the time to consider these services and were primarily focused on housing assistance, retrieval of vital

documents, and securing food, water, and other necessities.

Twenty percent (20%) of Lahaina residents have limited English proficiency with Latino Spanish and Ilocano (a Filipino dialect) being the primary languages. As immigrants, and lacking visas or other documents, they were fearful of being deported by government agencies and therefore were reluctant to seek government assistance. This was a major issue at the time, but with the Philippine Consulate and Hispanic organizations sponsoring resource fairs with service providers, including FEMA, County of Maui, MEO, and WDD, some of the fear was gradually dispelled and trust was slowly built.

Lack of housing was a major issue, not just for the residents who lost their homes but also those who were barred from returning home because of hazardous airborne particles and an unsafe water supply. At least 8,000 residents were displaced and temporarily moved into hotels or other accommodations. One of MEO's non-NDWG grants provided assistance for arranging temporary housing. This activity and MEO's TANF grant gave MEO multiple access points for NDWG outreach.

Normally RESEA participants and UI claimants are a major source of potential participants for WDD's workforce services, but the Governor's emergency proclamation waived the work search requirement for UI claimants and mandatory RESEA participation on Maui. Internet and phone lines also were down at first. Therefore, MEO and WDD Maui relied more on in-person community outreach than emails or phone calls in the first few months after the disaster.

Workforce Development Division

To facilitate speedy implementation of the NDWG, DLIR WDD scheduled weekly calls with MEO and WDD to share updates about progress. MEO and WDD Maui updated the group on the numerous community events taking place. It also enabled DLIR WDD to walk through WIOA and NDWG requirements, share a draft Maui NDWG application form for comments, and identify needs for further training.



DLIR WDD scheduled weekly calls with County of Maui, Maui Local Workforce Board Chairperson, MEO, and WDD Maui to provide updates and coordinate responses to community needs. The group was informally named the Maui Communication Coalition.

To date, 259 jobseekers applied, including 32 participants enrolled in HireNet Hawaii, of whom 14 are now working at host agencies. A total of 21 host agencies with over 90 potential temporary jobs have been identified for consideration under the Maui NDWG.

RAPID RESPONSE/LAYOFF AVERSION ACTIVITIES

Rapid Response (RR) activities are conducted in partnership with local boards and chief elected officials for those boards in tandem with DLIR and AJC staff. In Hawai'i, businesses that employ 50 or more employees from Hawai'i's workforce must provide DLIR a Worker Adjustment and Retraining Notification Act (WARN) letter at least 60 calendar days before covered plant closings and mass layoffs.

During PY 22, forty-two (42) WARN notices were submitted to DLIR, down from a high of 144 in PY 20, at the height of the pandemic. At that time, 30,462 workers were affected throughout the State. Six RR events were held in PY 20. In PY 21, thirty (30) employers issued WARN notices. Of the forty-two (42) notices issued in PY 22, only twenty-one (21) companies had more than 50 employees. One company later cancelled their layoffs. Fourteen of the employers who issued WARN information included data about sales of the business to other entities which had intentions to hire or offer employment to employees facing layoff, rather than wholesale business closures. Overall, 4,355 workers were potentially affected in PY 22. Deducting those offered employment or rehired by new owners, 1,858 workers remained affected.

Breakdown of WARN notices by county:

Oahu: 23 (1 cancelled WARN notice deducted from count)

Maui: 5

Kauai: 5

Hawai'i: 4

Total: 37 WARN letters; 34 unique companies

Three (3) WARN notices addressed Statewide layoffs, accounting for the total county breakdown being 37. All companies were contacted by RR team members with

Workforce Development Division

offers to provide orientation and layoff activities, all of whom declined services.

REGISTERED APPRENTICESHIP PROGRAM

In PY 2022, there were 961 newly registered and reinstated apprentices within various construction and non-construction registered apprenticeship programs. This program year showed an increase in the number of apprentices who completed and issued a certificate of completion: 715 apprentices completing various programs as compared to 550 completers for the previous program year. As of June 30, 2023, there were 4,925 registered apprentices in Hawai'i.

As the State Apprenticeship Agency (SAA) in Hawai'i, the DLIR continues to promote and expand apprenticeship in non-traditional occupations including Healthcare and Education. Programs in non-construction trades that were established and registered in PY 22 include the Substance Use Disorder Counselor Apprenticeship Program of University of Hawai'i at Manoa, Hawai'i Behavioral Health Training Institute, that was approved and registered on November 10, 2022.

In conjunction with National Apprenticeship Week 2022, DLIR hosted their annual Hawai'i Apprenticeship Week (HAW) 2022. HAW 2022 consisted of events spread throughout the week, which included a hybrid (in-person and virtual) Proclamation signing ceremony by the City & County of Honolulu Mayor Rick Blangiardi, an in-person Career Fair in partnership with the Oahu American Job Center, and virtual events showcasing current registered programs in both the construction and non-construction trades (more information about HAW 2022 can be found at <https://labor.Hawai'i.gov/wdd/how-do-i-join-an-apprenticeship>).

DLIR applied for federal grants and at the end of June of PY 22 was awarded \$485,001 under the State Apprenticeship Expansion Formula grant from USDOL. The period of performance for the grant started on July 1, 2023, to run until June 30, 2024. The grant will be used primarily to help build Statewide capacity of DLIR as the State



Apprenticeship Agency and expand Registered Apprenticeship throughout the State.

STATE APPRENTICESHIP EXPANSION FORMULA (SAEF)

DLIR applied for a Federal grant at the end of June of PY 22 and was awarded \$485,001 under the State Apprenticeship Expansion Formula grant from US DOL. The period of performance for the grant started on July 1, 2023, to run until June 30, 2024. The grant will be used primarily to help build Statewide capacity of DLIR as the State Apprenticeship Agency and expand Registered Apprenticeship throughout the State.

Workforce Development Division



INTERNSHIPS

DLIR's Statewide internship program, a pilot program in PY 21, became a full-fledged program, Hele Imua Statewide Internship Program, in PY 22. Current college students and recent graduates were given 12-week internship opportunities at various State agencies including WIOA Titles II and IV partners. Annual funding for this initiative has been provided to the DLIR from the State legislature to continue internship placements at State agencies throughout the executive branch. One hundred fifteen (115) participants were served as of April 2023 with a rate of 20 new interns placed monthly.

State agency placements include the following offices and agencies:

- Office of the Governor
- Office of the Lieutenant Governor
- Department of Health
- Department of Agriculture
- Department of Business, Economic Development & Tourism
- Department of Land and Natural Resources
- Department of Labor and Industrial Relations
- Department of Human Resources Development
- Department of Human Services
- Attorney General
- Budget and Finance
- Department of Public Safety
- Enterprise Technology Services



Internship occupations vary but include IT specialist, HR Assistant, Program Specialist, Accountant, Environmental Health Specialist, Engineer, Research Statistician, Marketing Specialist, Housing Coordinator, and Elections Specialist.



SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)

SCSEP, also known as the Mature Worker Program, was authorized by the Older American Act of 1965 to assist unemployed and low-income individuals 55 years or older, engage in paid part-time training with public or local non-profit agencies across the state with the goal of helping them find employment.

There are four SCSEP operators in the State who work with various local non-profit and public agencies for partnerships crucial to serving individuals. DLIR's WDD serves the Counties of Kauai, Hawaii, and the City and County of Honolulu. Maui Economic

Workforce Development Division

Opportunity, Inc., a non-profit agency, serves the County of Maui.

There were 42 active host agencies serving participants and 92 participants served in this same program year. About 14% of individuals served in the program year exited for employment.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING PROGRAM

The Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Program is a voluntary program for individuals who receive those benefits out of State and federal funding. The subcontract between DLIR and DHS allowed for the provision of E&T services to people in Kauai and Hawai'i counties receiving SNAP benefits. The Hawai'i Nutrition Employment and Training program of the University of Hawai'i Community Colleges enables SNAP participants to attend skills training at the colleges at no cost or reduced cost. Due to the COVID-19 Pandemic recovery, mandatory work requirements for SNAP participants, which had been lifted in 2021 and 2022, were mainly reinstituted in 2023 (part of PY 22).

FIRST-TO-WORK JOB DEVELOPMENT AND JOB PREPAREDNESS SERVICES

In Hawai'i, Temporary Assistance for Needy Families (TANF) is administered by the Department of Human Services (DHS) Benefit, Employment & Support Services Division (BESSD) via a federal block chain grant, supplemented with State funds. WDD's subcontract from BESSD continued in PY 22 with WDD providing Employment Services in First-to-Work (FTW), a program designed to prepare eligible recipients for

employment and eventual financial self-sufficiency. DLIR Job Developers (deployed to DHS sites and American Job Centers) provided Job Development throughout the State to FTW participants. Job Readiness Training (JRT) was provided by WDD on Kauai, Hawai'i, and Maui counties. Emerging from the Pandemic, DHS offices slowly opened up to participants allowing them to meet with eligibility and assessment staff. In tandem, JRT staff moved from a hybrid model (available simultaneously in person and online via video platforms) for their classes, to more solely in-person classes in DHS or WDD offices and/or in AJCs. Overall, FTW served nearly 500 participants, who received job development and other job readiness services.



TRADE ADJUSTMENT ASSISTANCE

Trade Adjustment Assistance (TAA) was established under the Trade Adjustment Assistance Trade Act of 1974, and then most recently, the Reauthorization Act of 2015, to provide aid to workers who lose their jobs or whose hours of work and wages are reduced

Workforce Development Division

as a result of increased foreign imports. Administered jointly in Hawai'i by UI and WDD, TAA entered a phase-out termination status beginning July 2022, when it was not reauthorized by Congress. TAA was, however, included in the FY23 Omnibus Bill, giving it a 1-year extension. States were still required to provide services to those whose petitions had been approved prior to June 30, 2022; new petitions have not been reviewed after that date. Although States were given new allocations, Hawai'i was among several that did not receive an allocation for PY 22 (Hawai'i was granted a PY 23 allocation). Despite the program's status and lack of an allocation (funds from the PY 21 allocation were still available), outreach to potential TAA workers was required since funding for training and supports were available to participants under the category of employment and case management services.

Still in effect, a policy for joint TAA and Dislocated Worker co-enrollment was issued by WDD requiring co-enrollment when eligibility requirements are met, the TAA case manager makes the referral, and the participant agrees to be enrolled in the Dislocated Worker program.



VETERAN SERVICES & JOBS FOR VETERANS SERVICES GRANT

Jobs for Veterans Services Grant (JVSG) Disabled Veterans Outreach Program (DVOP) Specialists provided individualized career services and case management to

veterans with significant barriers to employment that included those at risk of homelessness, with a VA-certified disability, low-income status, or previously incarcerated. DVOPs partnered with the Veteran's Administration, Homeless Veterans Reintegration grantees, WIOA, and other resources to facilitate the veteran's transition to stable employment. In PY 22, the JVSG-funded Local Veterans' Employment Representatives (LVER) on Oahu continued to work with businesses Statewide to help them fill their workforce needs with suitable veterans. The Oahu AJC Business Services Team counts an LVER as a member. Job Fairs and special recruitments catering to Veterans continued in PY 22. The LVER and DVOPs continued to work with the AJCs on each county to serve targeted veterans. The LVER also was the lead contact for promoting Hire Vets Medallion Program, a federal award that recognized local employers who hired and retained veterans in their workforce in 2022.

WORK OPPORTUNITY TAX CREDIT

The Work Opportunity Tax Credit (WOTC) program, (administered by the USDOL and the U.S. Department of Treasury) has helped advance employment opportunities for people with barriers, including people with disabilities, veterans, ex-felons, economically disadvantaged, and long-term unemployed, incentivizing the hiring of these target groups. DLIR's WDD administrative staff process these federal tax credit applications from hundreds of participating employers. In PY 2022, 10,560 WOTC applications were submitted (a monthly average of 880 applications), with potential total tax credits to participating employers running into several millions of dollars.

To ease the processing of applications, WOTC data is currently being migrated

Workforce Development Division

between the current system to Geographic Solutions system.

- Unemployment Insurance information has been automated with weekly batch uploads.
- SNAP and TANF documentation automation is currently being configured by the DHS IT staff.
- File Transfers with Requests made as early as possible will allow adequate time to fulfill the request.

WIOA TITLE I (ADULT, DISLOCATED WORKER, and YOUTH)

WIOA Title I Youth Program provides services to eligible youth who face barriers to education, training, and employment. Statewide, the WIOA Youth Programs serves youth, focusing on out-of-school youth. Fourteen core elements are made available to Youth which may include counseling, mentoring, and financial literacy. City and County of Honolulu's Work Hawai'i Youth Program serves Oahu, while Ola I Ka Hana of Goodwill now serves both Hawai'i and Maui Counties. WDD provided services to youth via the AJC in Kauai.

Title I Adult services are available to individuals who meet eligibility requirements. Priority of service is given to recipients of public assistance, other low-income individuals, those who are basic skills deficient, and veterans. Services including training, job development and placement are provided in Hawai'i and Maui Counties by Goodwill. City and County of Honolulu's Work Hawai'i serves Oahu. Kauai WDD AJC staff provides services for the local area for the Adult program.

Title I Dislocated Worker Program services are for workers who have been terminated or laid off, or who have received a notice of

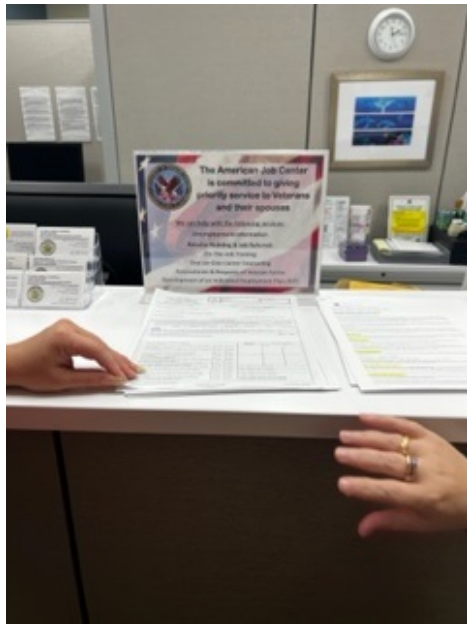


termination or layoff from employment; and are eligible for or have exhausted entitlement to unemployment compensation; and are unlikely to return to a previous industry or occupation or workers who have exhausted UI benefits. Services are provided in Hawai'i and Maui Counties by Goodwill. City and County of Honolulu's Work Hawai'i serves Oahu. Like the other programs, Kauai AJC staff provide Dislocated Worker program services.

WIOA TITLE III (WAGNER-PEYSER ACT EMPLOYMENT SERVICES)

Wagner-Peyser funds continue to be used to support various employment related services such as labor market information, information about resources, and referrals to jobs for jobseekers and businesses. These funds also were used to augment Reemployment Services and Eligibility Assessments (RESEA) to extend AJC services beyond specific re-employment services to UI claimants determined to likely exhaust their benefits. Outcomes for Wagner-Peyser were good, surpassing all employment rate and median earnings outcomes Statewide.

Workforce Development Division



PARTNERSHIP WITH UI/RESEA

Wagner-Peyser Act Employment Services continued its partnership with the UI system in PY 22. The MOU between WDD and UI which allowed WDD to provide RESEA services in conjunction with Wagner-Peyser under the UI RESEA Grant State Plan, continued with WDD providing all RESEA services including re-employment services as well as eligibility assessment. Innovations such as mandated virtual and hybrid in person and online classes widened availability of services to Job Seekers. Overall, there were 2,427 distinct individuals who completed initial RESEA services (group and individual). Out of those, 2,134 completed subsequent services.



WORKFORCE DEVELOPMENT COUNCIL (WDC)

The WDC is an advisory council composed of both public and private-sector representatives, who assist the Governor in the development, implementation, and modification of the 4-year State plan and review statewide policies, programs, and recommendation on actions that must be taken to align workforce development programs. The WDC meets quarterly and is comprised of the following subcommittees:

1. The Employer Engagement Committee
2. The Military and Veteran Affairs Committee
3. Sector Strategies and Career Pathways Committee
4. Youth Services Committee
5. Performance Measures and Financial Accountability Committee
6. Special Projects Committee
7. Executive Committee

Hawai‘i Civil Rights Commission



The State of Hawai‘i has a strong commitment to the protection of civil rights. Article I, Section 5 of the Hawai‘i Constitution provides that “no person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.” The legislature gave meaning to this commitment by creating the Hawai‘i Civil Rights Commission (HCRC), through enactment of Act 219 in 1988 and Acts 386 and 387 in 1989.

The HCRC was organized in 1990 and officially opened its doors in January 1991. The HCRC enforces state laws prohibiting discrimination in employment (H.R.S. chapter 378, Part I), housing (H.R.S. chapter 515); public accommodations (H.R.S. chapter 489), and access to state and state-funded services (H.R.S. §368-1.5). The HCRC receives, investigates, conciliates, and adjudicates complaints of discrimination. The HCRC has five (5) uncompensated volunteer Commissioners. They are appointed by the Governor, with the consent of the Senate, based on their knowledge and experience in civil rights matters and commitment to preserve the civil rights of all individuals.

By law the Commission may hold hearings and make inquiries, as it deems necessary, and has the authority to administer oaths and affirmations, conduct depositions, compel the attendance of parties and witnesses and the production of documents by the issuance of subpoenas, examine parties and witnesses under oath, require answers to interrogatories, and delegate these powers to any member of the commission or any person appointed by the commission for the performance of its functions.

Furthermore, the law authorizes the Commission to enforce the State’s anti-discrimination statutes or any of its orders, conciliation agreements, or predetermination settlements by commencing civil action in circuit court; by issuing “right to sue” authority to complainants; or by ordering appropriate legal and equitable relief or affirmative action when violations are found.

The law also authorizes the Commission to appoint an executive director, deputy executive director, hearings examiners, investigators and other necessary support personnel, as well as attorneys to represent the commission in litigation.

Part of the HCRC’s mission is to educate the public about their civil rights under State law. FY 2022-2023 was a year of rebuilding and adjusting to a post-pandemic environment. HCRC staff started to resume regular education and outreach efforts, including certain in-person activities. The largest event was the annual statewide Fair Housing Month training held throughout the month of April in collaboration with numerous federal, state, and county housing partners. Other education and outreach efforts included:

- Presentation at the “Fair Housing for our Future” Laws & Litigation Conference in San Diego, California.
- “Order in the Court – Ethical Interaction with Judges” training with a community legal advocacy group hosted by the HCRC.
- Participation at the Disability Access Conference organized by the Disability and Communication Access Board with other community stakeholders.
- Presentation at ‘Olelo Television’s “Back to the Basics – Fair Housing 101” program aired during Fair Housing Month and available online.
- Participation at the William S. Richardson School of Law Public Interest Fair to promote public interest lawyering.
- Participation at the Honolulu Pride Parade and Festival.

Hawaii Labor Relations Board

The Hawai‘i Labor Relations Board (HLRB or Board) is a quasi-judicial agency attached to the Department of Labor and Industrial Relations (DLIR) for administrative and budgetary purposes only. HLRB has original jurisdiction over matters filed under Hawai‘i Revised Statutes (HRS) Chapter 89 (Collective Bargaining in Public Employment) and HRS Chapter 377 (Hawaii Employment Relations Act). In addition, HLRB conducts hearings on contested citations and orders issued by the DLIR Hawai‘i Occupational Safety and Health (HIOSH) Division under HRS Chapter 396 (Occupational Safety and Health).

Program Objective

The HLRB seeks to provide just, fair, and timely resolution of the issues brought before it, consistent with public policy to provide for collective bargaining in the public and private sectors, and to assure employee health and safety in the workplace.

HLRB Members and Staff

The HLRB is comprised of three Board Members, including one Chairperson and representative of the public, one member representative of management, and one member representative of labor, who are appointed by the Governor and confirmed by the State Senate to six-year terms.

The three-member Board is supported by a staff of six, including an Executive Officer, Hearings Officer, Staff Attorney, Researcher, Hearings and Case Management Specialist, and Secretary. The Board’s secretary holds a civil service position that is excluded from collective bargaining. All other HLRB staff positions are exempt from civil service and excluded from collective bargaining.

Accomplishments and Challenges

In FY 2023, as Hawai‘i, along with the rest of the country, emerged from the COVID-19 Pandemic, the number of HRS Chapter 396 (Occupational Safety and Health) cases filed with the Board continued to decline as did the time it took to process and close cases. Most HIOSH cases closed within one year from filing. However, five HIOSH cases extended beyond one year, and three cases were pending Board decision or order as of the close of the fiscal year.

For the duration of the COVID-19 Pandemic, the Board and its staff remained steadfast in its effort to reduce the backlog of pre-FY 2016 HRS Chapters 89/377 (Collective Bargaining in Public Employment/Hawaii Employment Relations Act) cases. From a high of 136 backlog cases at the start of FY 2016, the Board reduced that backlog to two cases by the end of FY 2022. By the end of FY 2023, the number of pre-2016 backlog cases stood at two.

As the remaining consolidated backlog case went to hearing in September 2023, the Board expects to clear its pre-2016 HRS Chapters 89/377 backlog in FY 2024. The Board aims to accomplish this goal while maintaining the timely processing of new cases and conducting substantive hearings. At the close of FY 2023, forty-five HRS Chapter 89 cases filed between FY 2017 and FY 2023 remained open, and 27 cases were pending Board decision or order.

In addition to timely adjudicating cases before it, in FY 2023, the HLRB received former Governor David Y. Ige’s approval of its new Hawai‘i Administrative Rules, Title 12, Subtitle 7, Chapter 43, effective October 21, 2022. This is the first comprehensive revision the Board’s administrative rules since 1981. Board staff then reformatted and

Hawaii Labor Relations Board

published an “unofficial” booklet entitled *Rules of Practice and Procedure Before the Hawai‘i Labor Relations Board* to provide a convenient and easy-to-use reference for practitioners and self-represented litigants. During FY 2024, the Board plans to distribute copies of its new administrative rules booklet to both public and private stakeholders and to libraries statewide and will make remaining copies available to any interested persons or organizations. Pursuant to §§ 91-4.2 and 91-5, HRS, official copies of the Board’s administrative rules are available from the HLRB upon request.

Toward the end of FY 2023, HLRB’s latest publication *Questions and Answers: Prohibited Practice Cases Before the Hawai‘i Labor Relations Board*, which incorporates the Board’s new administrative rules, was undergoing final review. This comprehensive manual, which seeks to inform and educate community members who wish to understand how Chapter 89 prohibited practice cases are processed, is expected to be published online and downloadable from the HLRB’s website by fall of 2023.

On April 24, 2023, the House of Representatives of the 32nd Legislature of

the State of Hawai‘i, Regular Session of 2023, with the Senate concurring, adopted House Concurrent Resolution No. 61, House Draft 1 (H.C.R. No. 61, H.D. 1), requesting the HLRB to establish objective standards and criteria for splitting off a group of state workers into a new bargaining unit to assist the Legislature in determining the appropriateness of requests that come before it. As requested, the HLRB is working to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2024.

In its continuing effort to promote harmonious and cooperative labor-management relations, the Board will expand its general information and education outreach to unions and employers. In addition, the Board plans to update and improve its website to provide timely, helpful, and accessible information and resources for practitioners, self-represented litigants, and the public. Also, as private subscription services are no longer available, the Board is working to develop a searchable database of its HRS Chapters 89/377 Decisions and Orders, which should be a helpful tool for researchers.



Hawaii Labor Relations Board

Case Statistics

The following represent the cases before the HLRB in FY2023:

Chapter 89/377 - Backlog Cases (Opened Prior to FY 2016)

Type of Case	Backlog Cases Active at the Beginning of FY 2023	Backlog Cases Closed in FY 2023	Backlog Cases Pending at the End of FY 2023
Chapter 377			
Unfair Labor Practice Against Union - (CU)	0	0	0
Unfair Labor Practice Against Employer - (CE)	0	0	0
Chapter 89			
Prohibited Practice Against Employer - (CE)	1	0	1
Prohibited Practice Against Union - (CU)	1	0	1
Prohibited Practice Against Employee - (CEE)	0	0	0
Impasse - (I)	0	0	0
Declaratory Ruling - (DR)	0	0	0
Unit Clarification - (RA)	0	0	0
Total 89/377 Cases	2	0	2

Hawaii Labor Relations Board

Chapter 89/377 - Old Cases (Opened between FY 2016 and FY 2022)

Type of Case	Old Cases Active at the Beginning of FY 2023	Old Cases Closed in FY 2023	Old Cases Pending at the End of FY 2023
Chapter 377			
Unfair Labor Practice Against Union - (CU)	0	0	0
Unfair Labor Practice Against Employer - (CE)	0	0	0
Chapter 89			
Prohibited Practice Against Employer - (CE)	40	18	22
Prohibited Practice Against Union - (CU)	19	5	14
Prohibited Practice Against Employee - (CEE)	0	0	0
Impasse - (I)	15	13	2
Declaratory Ruling - (DR)	0	0	0
Unit Clarification - (RA)	0	0	0
Total 89/377 Cases	74	36	38

Hawaii Labor Relations Board

Chapter 89/377 - New Cases Opened in FY 2023

Type of Case	New Cases Opened in FY 2023	New Cases Closed in FY 2023	New Cases Pending at the End of FY 2023
Chapter 377			
Unfair Labor Practice Against Union - (CU)	0	0	0
Unfair Labor Practice Against Employer - (CE)	0	0	0
Chapter 89			
Prohibited Practice Against Employer - (CE)	10	4	6
Prohibited Practice Against Union - (CU)	5	4	1
Prohibited Practice Against Employee - (CEE)	0	0	0
Impasse - (I)	0	0	0
Declaratory Ruling - (DR)	1	1	0
Unit Clarification - (RA)	0	0	0
Total 89/377 Cases	16	9	7

Hawaii Labor Relations Board

Chapter 396 (HIOSH) – Old Cases (Opened Prior to FY 2023)

Type of Case	Old Cases Active at the Beginning of FY 2023	Old Cases Closed in FY 2023	Old Cases Pending at the End of FY 2023
Chapter 396 (HIOSH)			
Contested Citation	4	3	1
Discrimination	4	0	4
Total 396 (HIOSH) Cases	8	3	5

Chapter 396 (HIOSH) – New Cases (Opened in FY 2023)

Type of Case	New Cases Opened in FY 2023	New Cases Closed in FY 2023	New Cases Pending at the End of FY 2023
Chapter 396 (HIOSH)			
Contested Citation	6	5	1
Discrimination	0	0	0
Total 396 (HIOSH) Cases	6	5	1

Hawaii Retirement Savings Program



Act 296 (SLH, 2022) established the Hawai‘i Retirement Savings Program, which provides retirement plan coverage for private-sector employees who do not have access to employer-sponsored retirement plans. The program is a state-facilitated payroll-deduction retirement savings plan where individuals can choose to opt into the program. For each enrolled employee, a Roth IRA will be established into which contributions deducted from an employee’s payroll will be deposited. Employees will own the contributions to, and earnings on, the amounts contributed to their IRAs under the program.

The program is administered by the Hawai‘i Retirement Savings Board, in consultation with the Department of Labor and Industrial Relations and Department of Budget and Finance (B&F). The Board is co-chaired by

B&F Director Luis Salaveria and DLIR Deputy William “Bill” Kunstman, and members include Jessie “Keola” Dean, Barbara Krieg, Andrew Nomura, Brian Taniguchi, Karen Yasukawa, Senator Sharon Moriwaki and Representative Andrew Takuya Garrett.

The Board met four times during 2023 and is in the process of recruiting an Executive Director to lead the program.

The photo above is of the board members from the inaugural meeting on May 25, 2023.

More information about the program and board is available at:

<https://labor.hawaii.gov/blog/hrsp/>

Hoisting Machine Operators Advisory Board

The Hoisting Machine Operators Advisory Board (HMOAB) operates as an ‘attached agency’ within the State Department of Labor and Industrial Relations and is administered through the Hawaii Occupational Safety and Health Division. Since 1998, HMOAB has been charged with assuring construction crane operators across the Islands operate hoisting machines in a safe and lawful manner on behalf of the citizens of Hawai‘i.

Annual Summary

HMOAB certified 159 crane operators this fiscal year—an increase from the 104 certifications issued in the prior fiscal year. Online applications continue to increase in this period, as more applicants used the online application feature of the HMOAB website.

Advisory Board

John P. Mihlbauer, Jr. serves as Chairperson of HMOAB. Mr. Mihlbauer is the president of All Ship & Cargo Surveys, Ltd. and is registered as a licensed Mechanical Engineer in Hawai‘i and California. Mr. Mihlbauer serves on as an Alternate on the ASME B30.8 and ASME B30.24 sub-committees. Mr. Mihlbauer retired after 29 years in Federal Service as a Mechanical Engineer with the US Navy and the US Army Corps of Engineers. Mr. Mihlbauer’s term on the Board expires June 30, 2025.

Don “Doc” Bailey has over 30 years of experience in the crane industry. He is the C.E.O and President of Doc Bailey Cranes & Equipment Inc. which he founded in 1986. The company specializes in Crane Rentals, Crane Repair, Crane & Winch Sales, Hi-Rail, and Specialized Construction Equipment. Mr. Bailey expanded his business to California in 1995, to Las Vegas in 2015, and to Guam in 2019. Mr. Bailey served his second term on the Board which expired on June 30, 2024.

Thomas Jacobs has over 26 years of experience in construction safety and is the ESH Project Safety Manager for Layton Construction Company. Mr. Jacobs is a member of the American Society of Safety Engineers as well as the General Contractors Association Safety Committee, and is a certified Construction Health and Safety Technician and Occupational Health and Safety Technologist. He has conducted numerous safety trainings, including OSHA 10- and 30- hour certification training, scaffolding training, excavation and trenching safety, and aerial lift platform safety. Mr. Jacobs served his first term on the Board which expired on June 30, 2024.

Ryan Price is new member to the Board. He is currently the HSE Coordinator for Nordic PCL Construction, Inc. Mr. Price’s term expires June 30, 2025.

Greg Scher has 48 years of experience operating tower, overhead and mobile cranes. Mr. Scher is an active retiree of Operating Engineers.

Lohekamakaula Stephen Kaaloa is the Executive Assistant to HMOAB.

Agency Funding

HMOAB was established in 1998 with its own Special Fund, relying solely on user fees to cover personnel and operating expenses. This Special Fund was abolished in the 2021 Legislative session, and the agency currently operates on a budget appropriated by the Legislature.

Hoisting Machine Operators Advisory Board

Certifications Summary

Since its inception, HMOAB has certified over one thousand crane operators statewide. During Fiscal Year 2022-2023, the agency certified 159 operators, which includes both new certifications as well as renewals. Statewide, there are approximately 266 crane operators with current HMOAB certification.

	2020-21	2021-22	2022-23
New Applicants	72	38	56
Renewals	118	66	103
Total Certifications Processed	190	104	159

Prospective and renewing operators are required to submit an application for certification and pay a fee of one hundred dollars (\$100) for each year of HMOAB certification. New applicants must also pay a one-time, non-refundable application fee of fifty dollars (\$50). Replacement or reissued cards are supplied to current operators at no cost.

HMOAB operates with a five-member board comprised of industry experts and organized labor who are appointed by the Governor for four-year, staggered terms, subject to approval by the State Senate. Between meetings of the Board, administrative and financial business for the agency is completed by an Executive Assistant, who serves at the direction of the Board.



History, Purpose, and Administrative Governance

HMOAB was established by the Hawaii State Legislature under Act 165 in 1998. HMOAB operates as an attached agency of the State of Hawaii Department of Labor and Industrial Relations.

The Board certifies operators of all construction cranes and tower machines in the state having a lifting capacity of one ton or more. This authority derives from Section 12-50-2 of the Hawaii Administrative Rules (HAR). Under Sections 19 and 20 of the State Occupational Safety and Health Law and Chapter 396 of HAR, HMOAB requires all operators using equipment covered by the American Society of Mechanical Engineers (ASME) B30.5 (mobile and locomotive cranes) to be medically qualified, pass written and practical training examinations, and possess practical experience in order to safely operate hoisting machines in the state. These requirements ensure a minimum competency level of operators, assure employers that potential workers comply with relevant state and federal standards, and help ensure safety for the public. Enforcement is covered in Section 12-110-50 of HAR.

Labor and Industrial Relations Appeals Board

The Labor & Industrial Relations Appeals Board (LIRAB) is a quasi-judicial agency that is attached to the Department of Labor & Industrial Relations (DLIR) for administrative and budgetary purposes only. LIRAB adjudicates appeals from decisions rendered by the Director of Labor & Industrial Relations (Director) via the Disability Compensation Division relating to workers' compensation matters (Chapter 386, Hawaii Revised Statutes) and decisions rendered by the Director relating to the Boiler and Elevator Safety Law (Chapter 397, Hawaii Revised Statutes). Proceedings before LIRAB are subject to Chapter 91 of the Hawaii Administrative Procedures Act and other applicable administrative rules and laws.

Program Objective

LIRAB's program objective is to provide prompt, just and efficient adjudication of appeals from decisions of the Director of Labor & Industrial Relations relating to Workers' Compensation and Boiler and Elevator Safety.

LIRAB Members

LIRAB is comprised of one Chairperson and two Board Members appointed by the Governor of the State of Hawaii and confirmed by the Hawaii State Senate for 10-year terms. The Chairperson is required by law to be an attorney licensed to practice in all Hawaii courts.

LIRAB Staff

The three-member Board is supported by a staff of 7: Executive Officer, Hearings Officer, Paralegal, Researcher, Chief Clerk, Secretary, and Office Assistant.



FY 2023 Accomplishments and Challenges

LIRAB faced the challenge of filling its vacant positions. At the close of FY 2023, LIRAB was able to fill one of its Staff Attorney positions, and entering into FY 2024, LIRAB filled its second Staff Attorney position.

LIRAB continues to assist with the DCD on a multi-phase modernization project to digitally transform the Workers' Compensation system from a paper-based system to an electronic one. The implementation to electronic based filing and operations will have a positive impact on injured workers, employers, and insurance carriers when claims and appeals of benefit awards can be processed more efficiently and when the parties have 24/7 access to their Workers' Compensation records.

With the opening of the DLIR building on or about September 7, 2021, LIRAB developed policies to ensure that its visitors were fully compliant with changing building restrictions (e.g., vaccination, COVID testing, communication of current building entrance requirements) and to address health and safety considerations of its staff and stakeholders. LIRAB continued to implement an appointment system to safely manage in-person visitors, maintained 100% telework capacity, utilized telephonic and videoconferencing appearances for conferences and hearings, and accommodated electronic filing of documents.

To accommodate stakeholders requesting in-person hearings/conferences and others who preferred the remote participation in the same hearings/conferences, LIRAB implemented video and audio technology and retrofitted its hearings room to include "sneeze-guard" partitions to host "hybrid" hearings and conferences where the participants could elect to appear remotely or in-person at the same hearing/conference.

LIRAB faces the challenge of addressing the pandemic-related backlog as well as the backlog of cases and delays associated with the testing and implementation of the DCD's modernization project.

Labor and Industrial Relations Appeals Board

LIRAB Activities for FY 2023

Workers' Compensation Cases	
New LIRAB appeals received in FY 2023	197
Cases disposed of or closed by settlement, dismissal, Decision and Order, or other means in FY 2023	192
Cases pending as of June 30, 2023	326
Pre-hearing conferences (initial, settlement and status conferences) held in FY 2023	493
Motions/Orders to Show Cause /Oral Arguments heard in FY 2023	64
Trials held in FY 2023	43
Percentage of appeals resolved within 15 months of receipt in FY 2023	64%
Decisions & Orders issued	32
Number of cases awaiting written decision and order in FY 2023	116
Boiler & Elevator Safety Cases	
Cases pending as of June 2023	0
New appeals filed during FY 2023	0

Office of Community Services

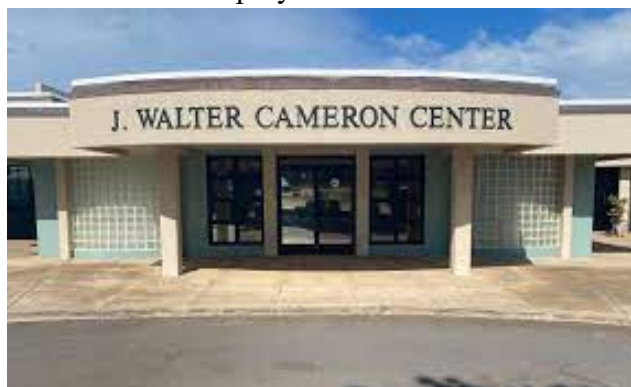
The **Office of Community Services (OCS)** was established by Act 305 (SLH, 1985) to facilitate the development, delivery, and coordination of human service programs. These programs are aimed to assist low-income individuals and families, refugees, and immigrants so they can live healthier lives and achieve greater economic self-sufficiency.

Administratively attached to DLIR, OCS has been working diligently to become a model for grant administration in the State of Hawai'i. OCS' goal is to improve the effectiveness and efficiency of administering grants by using sound fiscal management, maximizing the utilization of grant funds, improving contract and on-site monitoring, and improving overall contract performance.

OCS administers many of the HRS Chapter 42F Grants-in-Aid (GIA) appropriated by the Hawai'i State Legislature to non-profit agencies for which DLIR is the expending agency. In Fiscal Year (FY) 2023, OCS managed a portfolio of 188 GIAs that were awarded, totaling over \$48 million, of which approximately \$27.3 million was for capital improvement projects and \$21.6 million was for operating grants. 134 GIAs out of the 188 GIAs that were awarded are currently active. This is the most volume of GIA grants that were assigned to OCS for administration and were processed within the shortest amount of time since the establishment of the office.

Furthermore, during the 2023 Hawaii State Legislative Session, OCS was designated as the expending agency for 84 GIAs that were awarded, totaling over \$21.8 million. OCS anticipates that all 2023 operating GIAs shall be contracted with OCS by the end of FY 2024, to meet the encumbrance deadline, of June 30, 2024, established by Act 164, SLH 2023. OCS also anticipates that all 2023 capital improvement projects to be contracted by the encumbrance deadline of June 30, 2026.

In addition to the GIA program, OCS also administers two state-funded programs. First, the **Employment Services Program** that helps Hawai'i's low-income individuals and legal permanent residents gain employment skills, find and retain jobs and/or receive vocational training. The total appropriation in FY 2023 was \$1.3 million. A portion of the funds was allocated to help the Maui wildfires victims. The fund is used to fund a program that will provide employment services to enable unemployed or underemployed individuals who are lawfully present in the US and are affected directly or indirectly by the recent Maui wildfires, to successfully obtain or increase and maintain employment.



Second, the **Immigrant Resource Center (IRC)**. The program provides easy access for immigrants to a variety of coordinated and integrated services that promote economic self-sufficiency and social adjustment. The IRCs provide services related to outreach, intake and assessment, interpretation and translation, referral to community services, information and acculturation, case management, and immigration services. It ensures that the services provided are linguistically and culturally appropriate to immigrant, low-income, and Limited English Proficient (LEP) individuals and families. The total appropriation in FY 2023 was \$1 million. To bolster language assistance to the victims of the Maui wildfires who are LEP, OCS allocated portion of the funding to fund the Maui Immigrant Resource Center and the Maui Multilingual Hotline – it provides direct access to interpreters in Chuukese, Marshallese, Ilocano,

Office of Community Services

Tagalog, Spanish and Tongan. The hotline aims to help LEP population in Maui, particularly those affected by the wildfires, access government and/or social services.

In addition to the state-funded programs, OCS also administered in FY 2023 eight recurring federal grant programs through contracts with non-profits totaling more than \$6 million. The following were the federal programs administered by OCS during the fiscal year:

Exciting Announcement

IMMIGRANT RESOURCE CENTER

SERVING IMMIGRANTS, REFUGEES,
LIMITED ENGLISH SPEAKING

Multilingual Hotline

Direct Access to interpreters in
Chuukese, Marshallese, Ilocano,
Tagalog, Spanish and Tongan

Starting September 18, 2023
1-808-518-6217



DAYS OF HOTLINE
MONDAYS - SATURDAYS

TIME OF HOTLINE
9:00AM - 2:00PM



Community Services Block Grants (CSBG) support Hawai'i's four Community Action Agencies (Honolulu Community Action Program, Inc., Hawaii County Economic Opportunity Council, Maui Economic Opportunity, Inc., and Kauai Economic Opportunity, Inc.) with funding to underwrite a broad array of services that range from job training and job placement to Head Start, housing assistance, transportation services, food assistance, shelter assistance, and financial literacy. The FY 2023 grant award was \$4,021,915. In response to the Maui wildfires that occurred in August 2023, \$50,000 of FY 2023 CSBG funds were reallocated to Maui Economic Opportunity, Inc. to provide rental assistance for those affected by the wildfires. In addition to the FY 2023 CSBG grant, OCS continued to utilize CSBG CARES Act Supplemental Funds

(\$5,000,000) to allocate to CSBG Community Action Agencies. The purpose of CSBG CARES Act Supplemental Funds is to prevent, prepare for, and respond to the effects of COVID-19 within low-income communities and populations.



The Emergency Food Assistance Program

(TEFAP) provides shelf-stable and frozen foods such as canned vegetables and various meat and poultry products to supplement the diets of low-income individuals at no cost. TEFAP is by far our largest food programs, serving an estimated monthly average of 79,056 people through funding from the U. S. Department of Agriculture (USDA)'s Food and Nutrition Service (FNS) branch. FY 2023 grant award included \$370,502 in administrative funding. In FY 2023, TEFAP also received Farm to Foodbank funds (\$22,750), which provided Hawaii with even more administrative funding and allowed each food bank to partner with local farmers who donated locally grown produce to be distributed. Due to the Maui wildfires, there was a significant increase in the number of people who received TEFAP foods during the fourth quarter of FY 2023.

TEFAP Reach and Resiliency Grant provides additional funding for the food banks providing TEFAP to expand TEFAP's reach into remote, rural, Tribal, and/or low-income areas that are underserved by the program. For state fiscal year 2023 through state fiscal year 2024, Hawaii received \$417,128 in TEFAP Reach and Resiliency round 1 funds. USDA FNS also provided additional funding for TEFAP Reach and Resiliency round 2 funds for food banks to utilize from state fiscal year 2023 through state fiscal year 2025.

Office of Community Services

Commodity Supplemental Food Program (CSFP) provides one box per month of pre-selected canned and packaged foods to each of 3,685 low-income seniors through the USDA's FNS branch. A typical box contains a cross-section of foods, including canned fruits and vegetables; dry goods such as flour, rice, pasta, and cereals; canned meat, poultry, and fish; plant-based protein such as beans and peanut butter; cheese; and beverages such as fruit juices and milk. The FY 2023 grant award was \$343,404.



Seniors Farmers' Market Nutrition Program (SFMNP). In FY 2023, this USDA-FNS program provided about 9,000 low-income seniors with \$50 food coupons to purchase locally grown fruits and vegetables from farmers, farmers' markets and other outlets. The FY 2023 grant award was \$468,955.

Legal Advocacy, Outreach, and Referral Services to Protect the Rights of Children and Their Families are two programs that collectively serve approximately 2,000 children under this grant funded by the U. S. Department of Health and Human Services (DHHS). It provides legal services to children in low-income households to address myriad of issues ranging from family violence, abuse, and neglect, to child support and access to education and social safety-net services. The FY 2023 grant awards were \$132,000 and \$150,000.



Weatherization Assistance Program (WAP) provides funding from the U. S. Department of Energy for energy conservation education and the installation of weatherization measures to low-income households to reduce their energy costs. Among the weatherization measures approved for installation under this grant are solar water heaters, hybrid heat pumps, energy-efficient refrigerator, air conditioner replacements, compact fluorescent lights (CFLs) or light emitting diodes (LEDs), advanced power strips, and low-flow faucet aerators and shower heads. The FY 2023 grant award was \$340,273.

In addition to the Annual WAP Program, the **WAP Bipartisan Infrastructure Law** is funded by the U. S. Department of Energy to provide relief from high energy burden through savings and improvements to the homes of low-income families in the most disadvantaged communities in the country over five year grant period. The amount of funding received during FY 2023 was \$1,820,898.

Low-Income Home Energy Assistance Program (LIHEAP) is funded by the U.S. DHHS through Hawai'i's State Department of Human Services. It is used in conjunction with WAP funding to install energy-saving appliances or measures to reduce energy costs for low-income households. The OCS portion of LIHEAP FY 2023 grant was \$532,371.30.

Office of Community Services



Refugee and Entrant Assistance Program

provides refugees and asylees with two types of services under this formula grant from the U.S.

Department of Health and Human Services, Office of Refugee Resettlement: (1) Social services for employment and other social services for up to five years after arrival into the U.S. or granting of status; and (2) Cash and medical assistance for up to twelve months from arrival into the U.S. or granting of status.

During FY 2023, the Office of Refugee Resettlement allocated additional funds for Ukrainian and Afghan refugees. The FY 2023 grant awards were (1) \$520,323 and (2) \$68,852. The Office of Refugee Resettlement also allocated funds for set-aside programs, such as Refugee Health Promotion Program and the Refugee School Impact Program. The FY 2023 grant award for the Refugee Health Promotion Program was \$53,446 and the FY 2023 grant award for the Refugee School Impact Program was \$41,024.

State Fire Council

The SFC is administratively attached to the State of Hawaii's (State) Department of Labor and Industrial Relations and comprised of the four county Fire Chiefs, a representative from the Hawaii State Aircraft Fire Fighting Unit (ARFF); and a representative from the Division of Forestry and Wildlife, Department of Land and Natural Resources (DOFAW). The SFC's primary mission is to develop a comprehensive fire service emergency management network for the protection of life, property, and environment throughout the State. The SFC is responsible for adopting a state fire code; coordinating and facilitating federal fire-related training courses; and administering a Reduced Ignition Propensity Cigarette (RIPC) Program. The SFC establishes qualifications for testing and certifying individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems. It advises and assists the county fire departments where appropriate and prescribe standard procedures and forms related to inspections, investigations, and fire reporting. It also advises the Governor and legislature on issues relating to fire prevention and protection, life safety, and any other function or activity for which the various county fire departments are responsible.

The National Fire Protection Association (NFPA) 1 Fire Code, 2021 Edition

The State Fire Code Investigative Committee, which is comprised of one member from each county fire department and an NFPA representative, reviewed and generated amendments to the NFPA 1 Fire Code, 2021 Edition. The 2021 amendment package was forwarded to the State Attorney General for review. The State Fire Code, in conjunction with the county fire codes, comprehensively addresses minimum requirements for the protection of life and property to mitigate and prevent the disastrous effects of fires, explosions, and hazardous materials incidents. The State Fire Council reviewed and approved the 2021 amendment package. The next steps in the amendment process include:

1. Review and approval of the 2021 amendment package by the State Building Code Council's (SBCC) Subcommittee of Building Officials and the full SBCC.
2. However, as of July 2023, the Governor's Emergency Proclamation Relating to Housing suspends the authority of the SBCC to amend and update any state building code.

SBCC

The SFC has been a voting member of the SBCC since its inception in 2007. Its 11 voluntary members are comprised of county, State, and private stakeholders who review and approve a comprehensive set of national model building codes and standards for design and construction in the State. These approved codes are used as the basis for the county building codes. The State Department of Accounting and General Services, to which the SBCC is administratively attached, is authorized to adopt the approved State building codes as administrative rules.

The SBCC's investigative committees continued their review of the current editions for the International Building, International Residential Codes, Uniform Plumbing Code (UPC), International Energy Conservation Code, and the International Existing Building Code.

The SFC continues to support the SBCC by attending monthly meetings, providing input on uniform statewide building code amendments for county adoption, and providing adoption updates for the state fire code.

State Fire Council

SFC Legislative Efforts

The SFC introduced bills and submitted testimony during the 2023 Legislative Session to improve overall fire safety in Hawaii, including:

Bill No.	Short Title	Description	Position	Status
SB 193	Fire Protection; State Fire Council Composition	Relating to fire protection; State Fire Council; composition and functions.	Support	Passed, Act 142
SB 346 & HB 175	Emergency Vehicles	Makes it discretionary for authorized emergency vehicles to use sirens when responding to an emergency or in other specified situations if the siren is not reasonably necessary under the circumstances.	Support	Passed
SB 855	Condominium Reserve Requirements	Requires condominiums to include the estimated cost of fire safety equipment or installations as part of their estimated replacement reserves.	Support	Passed
SB 190 & HB 143	Reduced Ignition Propensity Cigarette Program (RIPC)	Provides for additional use of the moneys in the reduced ignition propensity cigarette program special fund to support the State Fire Council and its programs and activities.	Support	Failed
SB 191 & HB 144	Public Safety	Repeals Section 46-19.8, Hawaii Revised Statutes, to allow the counties to determine the proper requirements for residential fire sprinkler systems in accordance with national & international fire and residential codes.	Support	Failed
Bill No.	Short Title	Description	Position	Status
SB 192 & HB 145	Fireworks	Imposes a statewide limitation on consumer fireworks, except by permit for cultural events.	Support	Failed

State Fire Council

SB 409 & HB 285	Fire Prevention	Appropriates funds to the DLNR for the Community Fuels Reduction Project. Beginning with fiscal year 2025-2026, and each fiscal year thereafter, requires the DLNR to establish the Community Fuels Reduction Project as a separate line item within the Department.	Support	Failed
SB 786 & HB 847	Search and Rescue	Requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after ignoring warning signs, leaving a hiking trail to enter a prohibited area, or hiking on a trail closed to the public.	Monitor	Failed

Fire Department Training

The SFC coordinated and facilitated these fire service training courses conducted by lecturers from the National Fire Academy:

Course	Department	Dates
Incident Safety Officer	Hawaii County Fire Department	October 5 to 6, 2022
Youth Firesetting Program Manager	Honolulu Fire Department	November 3 to 4, 2022
Wildland Urban Interface Firefighting for the Structural Company Officer	Hawaii County Fire Department	February 22 to 23, 2023
Fire Service Safety Culture: Who Protects Firefighters From Firefighters?	Honolulu Fire Department	April 13 to 14, 2023
Leadership in Supervision: Perspectives in Thinking	Maui Fire Department	April 20 to 21, 2023
Shaping the Future	Kauai Fire Department	May 18 to 19, 2023
Course	Department	Dates
Leadership in Supervision: Frameworks to Success	Honolulu Fire Department	August 10 to 11, 2023

SFC staff processed numerous inquiries on the administrative rules regarding licensing of individuals for inspection, testing, and maintenance of fire protection systems (FPS). During FY23, the SFC reviewed 78 applications for FPS Certificates of Fitness.

State Fire Council

The SFC met quarterly using interactive conference technology in compliance with the Hawaii Revised Statutes §92 to fulfill its statutory duties and responsibilities.

RIPC Program

The SFC administers the RIPC Program. After the passage of Act 218, 2008 Hawaii Legislative Session, Hawaii became the 36th state, along with the District of Columbia, to require only RIPC's be sold in the State effective September 30, 2009. By the end of 2011, all 50 states and the District of Columbia had passed RIPC laws. The purpose of this law is to reduce the number of accidental fires involving smoking-related materials and decrease the number of injuries and fatalities.

Besides providing oversight and managing the day-to-day administrative aspects of Hawaii's RIPC program, this office conducts two other key functions annually. They are:

1. Conduct inspections of retail outlets that sell cigarettes throughout the state to ensure that stores sell only fire standard compliant cigarettes in their establishments.
2. Purchase cigarettes periodically and send them to certified laboratories so they can be tested for RIPC compliance. A previous inquiry by this office noted that only Hawaii and Massachusetts conduct this feature as part of their RIPC programs.

Occasionally, a failed RIPC test report will result. When a failed test result is reported, the RIPC office purchases more packs of the failed brand/style and sends this second shipment out for testing. If the second sample passes, the matter is closed. If, during the second testing failed results are reported, this office will contact the manufacture of the failed brand/style cigarette and consult with them to remedy the situation. In this manner, this office can work cooperatively with the manufacturer to ensure that only fire standard cigarettes continue to be sold in our state.

Every three years, cigarette manufacturers must submit documentation to recertify their products for sale in Hawaii. Documentation must be provided at this time verifying that their products are "fire standard compliant" cigarettes. Along with this documentation, a fee of \$375 must also be submitted for each brand/style cigarette they wish to sell in the

state. Certification fees are not refundable and manufacturers can cease sales of their products in Hawaii at any time. In the last three years, only one manufacturer chose to discontinue sales of their products in Hawaii. Currently, an estimated \$100,000 in certification fees are being received annually. These funds will provide sufficient funds to sustain the duties of this office.

As of June 30, 2023, a total of 810 brand/styles of cigarettes are approved for sale in the State. Retail inspections reveal that less than half of these brand/styles are actually being sold in retail outlets.

See Table 1 for an overview of RIPC Statistics during fiscal years (FY) 2010 to 2014.

See Table 2 for an overview of RIPC Statistics during FYs 2015 to 2019.

See Table 3 for an overview of RIPC Statistics during FYs 2020 to 2023.

State Fire Council

Table 1: RIPC Statistics (FY 2010 to 2014)

	FY2010	FY2011	FY2012	FY2013	FY2014
Beginning Balance	0	\$367,500	\$401,625	\$503,625	\$664,500
RIPC Specialist Salary	\$0	\$0	\$0	\$0	\$16,221
Office Expenses	\$0	\$0	\$0	\$0	\$0
Public Outreach	0	0	0	0	0
Outreach Expenses	\$0	\$0	\$0	\$0	\$0
Honolulu Inspections	0	0	0	0	0
Outer Island Inspections	\$0	\$0	\$0	\$0	\$0
Honolulu/Outer Islands/Mainland Travel Costs	0	0	0	0	0
Cigarette Samples Purchased for Testing	0	0	0	0	0
Cigarette Purchasing, Shipping, and Testing Costs	\$0	\$0	\$0	\$0	\$0
Subtotal	\$0	\$367,500	\$401,625	\$503,625	\$648,279
Plus Fees Collected	\$367,500	\$34,125	\$102,000	\$160,875	\$33,750
Ending Balance	\$367,500	\$401,625	\$503,625	\$664,500	\$682,029

State Fire Council

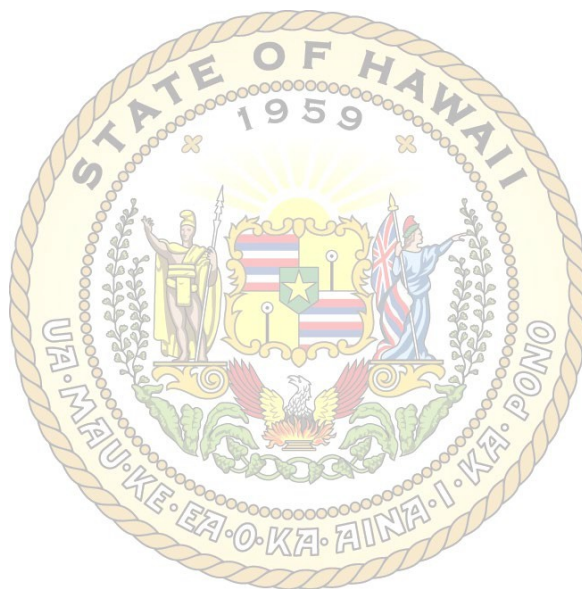
Table 2: RIPC Statistics (FY 2015 to 2019)

	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$682,029	\$727,287	\$740,361	\$631,725	\$781,539
RIPC Specialist Salary	\$28,215	\$29,277	\$34,505	\$39,926	\$41,356
Office Expenses	\$1,111	\$3,676	\$1,799	\$4,569	\$3,019
Outreach Expenses	\$0	\$230	\$0	\$0	\$1,032
Honolulu Inspections/Outreach	19	505	525	141	1087
Outer Island Inspections	0	148	281	54	0
Honolulu/Outer Islands/Mainland Travel Costs	\$0	\$3,011	\$10,205	\$4,793	\$773
Cigarette Samples Purchased for Testing	70	218	172	92	198
Cigarette Purchasing, Shipping, and Testing Costs	\$27,041	\$86,857	\$105,627	\$34,523	\$60,104
Subtotal	\$625,662	\$604,236	\$588,225	\$547,914	\$675,255
Plus Fees Collected	\$101,625	\$136,125	\$43,500	\$233,625	\$80,625
Ending Balance	\$727,287	\$740,361	\$631,725	\$781,539	\$755,880

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Table 3: Current RIPC Statistics (FY 2020-2023)

	FY2020	FY2021	FY2022	FY2023
Beginning Balance	\$755,880	\$703,280	\$973,171	\$885,110
RIPC Specialist Salary & Sec	\$38,805	\$43,351	\$36,677	\$49,135
Office Expenses	\$7,164	\$1,049	\$23,788	\$9,195
Public Outreach	0	0	0	0
Outreach Expenses	\$0	\$0	\$0	\$0
Honolulu Inspections	587	632	631	668
Outer Island Inspections	0	0	0	261
Honolulu/Outer Islands/Mainland Travel Costs	\$4,549	\$1,880	\$2,110	\$7,709
Cigarette Samples Purchased for Testing	320	80	140	200
Cigarette Purchasing, Shipping, and Testing Costs	\$111,195	\$3,205	\$90,762	\$106,409
Subtotal	\$594,167	\$653,795	\$819,834	\$712,662
Plus Fees Collected	\$109,113	\$255,567	\$37,671	\$30,750
FY RIPC Balance	\$0	\$63,809	\$27,605	\$149,135
Ending Balance	\$703,280	\$973,171	\$885,110	\$892,547



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