# DISABILITY COMPENSATION LAW

## NOTICE TO EMPLOYEES

**Workers' Compensation** - **You have the right to** receive workers' compensation benefits and medical care if you suffer a work-related injury. You must report the date, time, and circumstance of your injury immediately to your employer or supervisor. Give the name of the insurer to your doctor so that your doctor will know where to send the physician's report. If your employer does not file a report of the injury, you may file a written claim with the Disability Compensation Division. You do not pay for the premium cost; your employer pays the entire amount.

You are entitled to all required medical, surgical and hospital services and supplies including medication; weekly benefits from the fourth day of disability to replace wage loss, representing 66 2/3% of your average weekly wage but not more than the maximum weekly benefit amount annually set by the Department; additional benefits if the injury results in permanent disability or disfigurement; vocational rehabilitation, if appropriate; funeral and burial expenses if the work injury results in death; and additional weekly benefits to the surviving spouse and other dependents; and concurrent temporary total disability benefits if you were employed by two covered employers at the time of injury.

**Temporary Disability Insurance** - **You have the right to** file a claim for temporary disability insurance benefits if your injury or illness is not work-related. Your employer or insurance carrier should furnish you with a TDI-45 claim form or some other authorized claim form. File the claim within 90 days from the date of disability. You may receive TDI benefits if:

- You are unable to work because of your injury, illness, pregnancy, or organ donation;
- Your disability is properly certified;
- You worked for an employer in Hawaii within the two weeks before your disability; and
- During the last 52 weeks, you worked for at least 14 weeks; were paid for at least 20 hours per week; and earned at least $400.

After a 7 consecutive day waiting period, you may receive 58% of your average weekly wage, not to exceed the maximum in the TDI law. Your employer may have an "equivalent" plan approved by the Department, which may provide different benefits. You should ask your employer for details if they have an "equivalent" plan.

The employer can take a deduction from your pay for the cost of TDI. Your share cannot be more than one-half of the cost and cannot exceed 0.5% of your weekly wages. Your employer pays the remaining cost. If you are not eligible for coverage (see last bullet above), no TDI deduction can be taken from your pay.

**Prepaid Health Care** - **You have the right to** enroll in your employer's prepaid health care insurance plan after 4 consecutive weeks of employment where you have worked at least 20 hours each week. The Department of Labor & Industrial Relations must approve the health care plan.

You should claim benefits under this program if a non-work-related injury or illness requires medical care. Give your doctor or hospital the name of your employer's health care contractor and the plan name.

If you are required to share in the premium cost for your coverage, your share cannot be more than 1.5% of your monthly wages or one-half the premium cost (whichever is less). Your employer pays the balance.

**Disability Compensation Division:**

- Oahu (808) 586-9161 (Workers' Compensation)
  (808) 586-9188 (Temporary Disability Insurance & Prepaid Health Care)
- Hilo (808) 974-6464
- Kona (808) 322-4808
- Maui (808) 243-5322
- Kauai (808) 274-3351

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