

# LIRAB Annual Report

## Fiscal Year 2020

### *Overview*

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 comprises three Board Members, one of whom is the Chairperson, who are appointed by the Governor of the State of Hawaii and confirmed by the Hawaii State Senate. The Chairperson is required by law to be an attorney licensed to practice in all of the courts of this State.

### *LIRAB Staff*

The three-member Board is supported by a staff of 8: Executive Officer, Hearings Officer, two Staff Attorneys, Researcher, Chief Clerk, Secretary, and Office Assistant.

### *LIRAB ACTIVITIES for FY 2020*

<b>Workers' Compensation Cases</b>	
New LIRAB appeals received in FY 2020	239
Cases disposed of or closed by settlement, dismissal, Decision and Order, or other means in FY 2020	268

Cases pending as of June 30, 2020	356
Pre-hearing conferences (initial, settlement and status conferences) held in FY 2020	552
Motions/Orders to Show Cause /Oral Arguments heard in FY 2020	102
Trials held in FY 2020	50
Percentage of appeals resolved within 15 months of receipt in FY 2020	72%
Decisions and Orders Issued	68
Number of cases awaiting written decision and order in FY 2020	52
<b>Boiler &amp; Elevator Safety Cases</b>	
Cases pending as of June 2020	0
New appeals filed during FY 2020	0

*LIRAB FY 2020 Accomplishments and Challenges*

- LIRAB continues to partner with DLIR-Disability Compensation Division on a multi-phase modernization project to digitally transform the Workers' Compensation system from a paper-based system to an electronic one. LIRAB has completed an initial testing of sample migrated data and is working to migrate the existing data into the new electronic document management system. The implementation to an 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.

- The COVID pandemic upended LIRAB operations beginning March 2020. To safeguard the health and safety of its employees and stakeholders, LIRAB actively implemented business process telework technology that allowed the office to continue vital operations by conducting business remotely. In March of 2020, only 1/3 of the office had telework capability. LIRAB secured laptops and videoconferencing licenses and trained its employees to use technology for telework. By June 2020, LIRAB achieved 100% telework capability. LIRAB was also quick to pivot from in-person proceedings to all telephonic or videoconferencing appearances for its conferences and hearings. With this new electronic venue, LIRAB developed guidelines and policies for electronic filing and transmission of documents. Due to the rapidly evolving COVID public health threat, LIRAB kept the public and its stakeholders informed with timely and frequent postings of its emergency orders and notices on its home webpage. LIRAB also developed an appointment system to safely manage in-person visitors.

- During the early months of the Unemployment Insurance crisis related to COVID, all available LIRAB staff volunteered their assistance to the unemployment office, while also working to move LIRAB back toward full operations.

- Due to the COVID public health emergency, a significant number of conferences and trials were postponed and rescheduled. The cancellation and rescheduling of numerous matters and the lost time from the weeks of mandated shutdowns and building closures have caused a backlog and increased the time to resolve cases. The challenge for the Board in the months ahead is to continue to tackle the pandemic-related backlog and to address an anticipated increase in caseload as the economy reopens and recovers.

