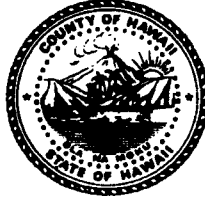


Harry Kim  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Gerald Takase  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

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July 29, 2005

Ms. Charmaine Kamaka  
Safety Division Chief  
County Civil Service Department  
101 Pauahi Street, Suite 2  
Hilo, Hawai'i 96720

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THE CORPORATION COUNSEL.**

**Re: Workers' Compensation and Contract Workers**  
**Our File No.: WRK 05-10273**

Dear Ms. Kamaka:

I have reviewed the contract you provided for the Recreation Educator, as well as the applicable provisions of the Workers' Compensation laws. It is the opinion of this office that the contract for the Recreation Educator creates an employer-employee relationship; and as a result, injuries which would otherwise be covered for purposes of Workers Compensation would apply to this person as well.

It appears that the purpose of the contract for a limited term is to avoid the creation of Civil Service status upon these workers. Whether it is or is not appropriate to have these workers as employees or independent contractors is the subject of a separate debate. While it appears that the employer has little, if any, control over the manner the work is conducted, it still remains that our contract, nonetheless, classifies these persons as employees.

Thus, these workers are to be afforded all applicable rights under the Workers' Compensation laws. The investigation of this claim should proceed as any other claim, including the determination of the issue of the work-related nature of the injury.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael J. Udovic".

Michael J. Udovic  
Deputy Corporation Counsel

MJU:mc

s:\work 2005\july\wrk 05-10273 ltr to civil service re contract workers