

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 782
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 782 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,"

begs leave to report as follows:

The purpose of this measure is to extend unemployment insurance benefits to workers who are separated from their employment as a result of domestic violence.

The Department of Labor and Industrial Relations submitted comments on the measure. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that victims of domestic violence are frequently unable to maintain employment due to the harmful physical and emotional effects of being abused. Victims are frequently separated from their employment, either voluntarily or involuntarily. For example, a victim may choose to stop working in order to stay at home to protect the victim's minor children from abuse. Alternatively, a victim might be fired due to poor job performance resulting from abuse. In these situations, victims of domestic violence cannot achieve financial independence, and are often unable to escape from abuse.

Your Committee finds that it is important to extend unemployment insurance benefits to victims of domestic violence in order to financially empower them to escape from or minimize physical and emotional injuries. However, the Federal



Unemployment Tax Act, which funds the administration of state unemployment insurance and the job services office, funds one-half of the cost of unemployment benefits during periods of high employment; and provides for a fund from which states may borrow to pay benefits, if necessary, requires states to comply with guidelines established by the United States Department of Labor.

Your Committee finds that two provisions of the measure may impair the State's certification to receive funding under the Federal Unemployment Tax Act. In order to avoid jeopardizing the receipt of funding, your Committee has amended the measure as follows:

- (1) Deleting the subsection in the measure that creates an exception for domestic violence victims by excusing them from registering for work and being able and available to work in order to receive unemployment insurance benefits;
- (2) Deleting the section of the measure that extends the non-charging of benefits against the account of any of the individual's base period employers paid in situations where employers discharge victims of domestic violence;
- (3) Inserting a clause to protect against the impairment of federal funds under the Federal Unemployment Tax Act; and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 782, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 782, S.D. 1, and be referred to the Committee on Labor.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 782</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HMS, LBR</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/12/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
HEMMINGS, Fred	✓			
TOTAL	4	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; display: inline-block;">[Signature]</div>				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

***Only one measure per Record of Votes**