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January 22, 2010

To: The Honorable John M. Mizuno, Chair
and Members of the House Committee on Human Services

Date: January 25, 2010
Time: 8:30 a.m.
Place: Conference Room 329, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

H.B. 1913 - Relating to Unemployment Insurance

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 1913 proposes to amend section 383-7.6, Hawaii Revised Statutes (HRS), to provide unemployment insurance (UI) benefits to individuals who refuse to accept suitable work out of fear of domestic or sexual violence. This measure will allow good cause where there is a reasonable belief that the employment causes an unreasonable risk of violence to the individual, the individual's minor child or other individuals in the workplace.

II. CURRENT LAW

Currently, sections 383-7.6, 383-30(3), HRS, and Administrative Rule 12-5-55 provide good cause where there is a degree of risk involved to the claimant's health, safety and morals and where domestic or sexual violence is relevant to job separations.

III. HOUSE BILL

The Department follows guidelines already established for separation from employment in similar situations to determine eligibility for UI benefits under section 383-30(3), HRS. Existing adjudication practices consider domestic or sexual violence in determining

suitability of job offers or to establish good cause for refusing work. While the department is not in disagreement with the intent of this measure, there is no evidence that the existing law is in need of a legislative remedy. As such, this proposed amendment is not necessary.

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**THE HONORABLE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**THE HONORABLE TOM BROWER, VICE CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2010**

January 25, 2010

RE: HOUSE BILL 1913; RELATING TO UNEMPLOYMENT INSURANCE

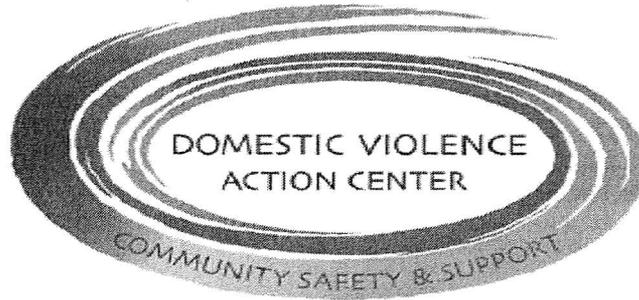
Good morning Chair Mizuno, Vice Chair Brower and members of the Human Services Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 1913, with amendments**, which proposes to provide victims of domestic violence and sexual assault with a good cause exemption from the requirement that recipients of unemployment insurance seek suitable employment, when the recipient reasonably that the employment will subject the individual (or their minor child, in cases involving child sex abuse) to an unreasonable risk of violence. .

The provisions of H.B. 1913 are similar to provisions of H.B. 332, H.D. 2, which the House passed last year. Despite the fact that the Legislature passed a bill (**S.B. 1568, S.D.2, H.D. 1 was passed by the Legislature last year and signed into law as Act 171 of 2009**) that was intended to assure that victims of domestic violence and sexual assault who are forced to leave employment due to the effects of their victimization do not lose their eligibility for unemployment benefits, they still technically required to accept offers of employment that continue to place them in danger. Domestic abusers will frequently target their spouse or partner's ability to make a living as a means of furthering their agenda of complete control over the victim. This places domestic abuse victims at greater risk of loss of employment. Since financial security is often a key factor in forcing victims back to their abuser, we believe that it is critical that victims of domestic violence and sexual assault both remain eligible for unemployment benefits, **and** be exempt from accepting otherwise suitable employment if accepting such employment offers place them in danger of further violence. To allow other wise

would only reward abusers for their violent behavior and aid them in cutting off the victim's means of support.

We believe that the current language in the bill may be improved by referencing that the Department of Labor may rely upon documentation provided under Section (b) (1) in determining that a recipient of unemployment insurance who is a victim of domestic violence or sexual assault faces an unreasonable risk of violence if required to accept an otherwise suitable offer of employment. Without linking these two sections together we are concerned that victims may be required to undergo unnecessary repetitive documentation of their status. However it may be appropriate to explicitly authorize the Department to "re-certify" the victim's status at reasonable intervals.

For the reasons cited above, we request your support for H.B. 1913, with the amendments that we have suggested above. Thank you for your time and consideration.



TO: Chair John Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 1913

Aloha and good morning. We submit this testimony in support of H.B. 1913. Access to financial resources creates important opportunities for victims as they flee to safety or escape the violence they have been victimized by. Financial independence is a goal many victims can't even imagine; it is one of the greatest barriers to escape and self-sufficiency. Many victims report to domestic violence programs that they stay with their abuser or return to their abuser for lack of financial resources.

It is not uncommon for victims to be harassed at work. It is also not uncommon for abusers to make it difficult for their partners to get to work and be productive on the job.

Additionally, a victim may not be able to accept new employment if she feels that accepting this employment may provide the batterer with information and access that could endanger herself and others. Helping victims of domestic violence maintain access to their unemployment benefits can provide a woman with financial security so that she can focus on her safety needs. HB1913 provides a more comprehensive definition of "good cause" for victims of domestic violence not accepting work.

Thank you for the opportunity to testify.

P. O. Box 3198 Honolulu, HI 96801-3198

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dvac@stoptheviolence.org www.stoptheviolence.org



brower1-Traci

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Saturday, January 23, 2010 1:36 PM
To: HUS testimony
Subject: HB1913 to be heard Monday, 01/25/10 at 8:30am in Room 329

TO: Representative John Mizuno, Chair

Representative Tom Brower, Vice-Chair

Members of the Committee Human Services

FROM: Dara Carlin, M.A.

881 Akiu Place

Kailua, HI 96734

DATE: January 25, 2009

RE: **Strong Support** for HB1913, Relating to Unemployment Insurance

I'm so excited to see such a fantastic, potentially life-saving and abuse prevention measure such as this one.

Employment is so much for then a paycheck to survivors of abuse, violence and assault so please assure those at the Unemployment Office that they will NOT suddenly see an influx of unemployment applications as a result of this legislation. (If anything, you MAY have a difficult time getting survivors of domestic violence to apply for such a service because often their attitude is "He took everything else away from me, he won't get my job too".) It's also difficult to get victim-survivors to understand that they remain at-risk; no one wants to believe that someone whose said "I love you" or is the father of your children would actually try to kill you, but this is phenomenal option to have in place for those who WILL need to make use of it.

Thank you for this opportunity to provide testimony on this matter.

Most Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

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Domestic Violence Survivor Advocate

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)