



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

GENTRY PACIFIC DESIGN CENTER, STE. 215A • 560 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817
(808) 524-2249 • FAX (808) 524-6893

NOLAN MORIMAKI

President

Bricklayers & Ceramic Tile Setters
Local 1 & Plasterers/Cement
Masons Local 630

JOSEPH O'DONNELL

Vice President

Iron Workers Local 625

DAMIEN T. K. KIM

Financial Secretary

International Brotherhood of
Electrical Workers Local 1186

ARTHUR TOLENTINO

Treasurer

Sheet Metal Workers I.A. Local 293

REGINALD CASTANARES

Trustee

Plumbers & Fitters Local 675

THADDEUS TOMEI

Elevator Constructors Local 126

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Carpet, Linoleum, & Soft Tile
Local 1296

JOSEPH BAZEMORE

Drywall, Tapers, & Finishers
Local 1944

RICHARD TAGGERE

Gazers, Architectural Metal &
Glassworkers Local Union 1889

RONAN KOZUMA

Hawaii Teamsters & Allied
Workers Local 958

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Local 627

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Painters & Allied Trades
Local 1791

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Operating Engineers Local 3

PETER GANABAN

Laborers' International Union of North
America Local 368

DOUGLAS FULP

International Association of
Cool & Frost Insulators
& Allied Workers Local 132

February 1, 2010

Honorable Representative Karl Rhoads, Chair
Honorable Representative Kyle T. Yamashita, Vice Chair
Members of the House Committee on Labor & Public Employment
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: **IN SUPPORT OF HB 2257**
RELATING TO UNEMPLOYMENT INSURANCE BENEFITS
Hearing: Tues., Feb. 2nd, 2010, 9:00 a.m., Room 309

Dear Chair Rhoads, Vice Chair Yamashita and the House Committee on
Labor & Public Employment:

For the Record my name is Buzz Hong, the Executive Director for
the Hawaii Building & Construction Trades Council, AFL-CIO. Our
Council is comprised of 16-construction unions and a membership
of 26,000 statewide.

The Council **SUPPORTS** the passage of **HB 2257** that authorizes an
individual that is attached to a regular employer who is not offering
work to still receive unemployment insurance benefits even if that
individual voluntarily or involuntarily separates from part-time
employment.

Thank you for the opportunity to submit this testimony in support
of **HB 2257**.

Sincerely,

W. Hong / dg

William "Buzz" Hong
Executive Director

WBH/dg



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

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**The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor & Public Employment**

**Testimony by
Hawaii Government Employees Association
February 2, 2010**

**H.B. 2257 – RELATING TO
UNEMPLOYMENT
INSURANCE BENEFITS**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports H.B. 2257, which authorizes an individual that is attached to a regular employer who is not offering work to still receive unemployment insurance benefits even if that individual voluntarily or involuntarily separates from part-time employment.

The measure fairly seeks to preserve unemployment insurance benefits for individuals still attached to their regular employer who is not offering work, under very specific and reasonable circumstances.

Thank you for the opportunity to testify in support of H.B. 2257.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

The Twenty-Fifth Legislature
Regular Session of 2010

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HOUS OF REPRESENTATIVES
Committee on Labor & Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Tuesday, February 2, 2010; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2257
RELATING TO UNEMPLOYMENT INSURANCE BENEFITS**

The ILWU Local 142 supports H.B. 2257, which authorizes an individual that is attached to a regular employer who is not offering work to still receive unemployment insurance benefits even if that individual voluntarily or involuntarily separates from part-time employment.

When a worker who is "attached" to a regular employer but not offered work applies for unemployment insurance benefits, the claim is for "partial" unemployment and the claimant is exempt from registration for work and job search requirements. The claimant must be available for any work offered by his regular employer and may voluntarily seek part-time or full-time work to supplement or supplant the unemployment benefit.

A claimant for partial unemployment is obligated to be available for work offered by his regular employer. However, separation from a secondary employer should not be grounds for disqualification since the claimant is exempt from job search requirements.

A member of the ILWU was disqualified for partial unemployment benefits because she became separated from a secondary on-call or casual position. In her view, her "voluntary quit" was justified, but both the claims examiner and the hearings officer disagreed. She has been forced to take the matter to Circuit Court.

In the meantime, the employee, who was attached to her regular employer, did not receive any unemployment benefits for eight months while co-workers with her regular employer received their full 26 weeks of state benefits plus federal extensions even if they did not seek other employment. The shutdown of her regular employer's business due to renovations extended from seven months to one year, causing our member considerable financial hardship.

H.B. 2257 seeks to amend the statute to prohibit disqualification of a partial claimant for separation from a secondary job. We would like to suggest two amendments to clarify what we believe to be the intent of the bill.

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First, we recommend that the opening paragraph of the new section (b) read: *"Effective July 1, 2010, notwithstanding any law or rule to the contrary, an individual shall not be disqualified for benefits for any week in which the individual separates involuntarily or voluntarily, with or without good cause, from any employer offering part-time employment, if the individual is...."*

This section refers only to partial claimants who are attached to a regular employer and available for work offered by the regular employer. Separation from another employer, whether voluntary or involuntary, with or without cause, should not be considered in determining eligibility for benefits.

Second, we recommend that item (1) following the opening paragraph of the new section (b) read: *"(1) Receiving benefits ~~due to separation from~~ while attached to a regular employer that is not offering work."* Items (1), (2), and (3) are meant to describe who shall not be disqualified for benefits. The description should be restricted to partial claimants who are attached to a regular employer not offering work, receiving partial unemployment benefits, and exempt from work search and registration for work requirements.

The ILWU urges passage of H.B. 2257 with the amendments as offered. Thank you for the opportunity to share our testimony on this bill.