



**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 24, 2011

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

Date: Monday, March 28, 2011  
Time: 9:00 am  
Place: Conference Room 329, State Capitol

From: Dwight Takamine, Director  
Department of Labor and Industrial Relations

**Re: HCR 80 HD 1/HR 72 HD 1**

**I. OVERVIEW OF PROPOSED LEGISLATION**

HCR 80 HD 1/HR 72 HD 1 requests the U.S. Department of Labor to examine federal laws and regulations to allow states to more readily enact unemployment compensation related laws that allow fear of domestic or sexual violence to be a valid reason for not accepting suitable work.

**II. CURRENT LAW**

Section 383-30(3), Hawaii Revised Statutes (HRS), provides for disqualification of unemployment insurance (UI) benefits when an individual fails, without good cause, to apply for or accept suitable work when offered. In the application of the existing statute, good cause would normally extend to individuals who refuse suitable jobs for reasons relating to domestic or sexual violence, although the final determination would consider the evidence on a case-by-case basis.

While the refusal of suitable work issue would not result in an adverse decision, an issue of "able and available" (AA) would be raised based on the reason for the refusal. Section 383-29(a)(3), HRS, specifies that individuals must be able to work and available for work to be eligible for UI benefits.

To qualify for payment of UI benefits, claimants cannot be denied under both sections 383-29 and 383-30, HRS. Consequently, even if the victim of domestic or sexual violence had good cause for not accepting an offer of suitable employment, UI benefits may not be payable if the victim's situation rendered him/her not AA.

The denial under 383-29(a)(3), HRS, is a week-to-week determination; thus, if a victim's personal circumstances change, ineligibility may be lifted from the week that the individual is considered AA.

### **III. HOUSE CONCURRENT RESOLUTION/HOUSE RESOLUTION**

The Department supports the intent of the resolutions.

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Thursday, March 24, 2011 9:41 PM  
**To:** HUS testimony  
**Subject:** HCR80 HD1/HR72 HD1 to be heard Monday, 03/28/11, at 9:00am in Room 329

TO: Representative John Mizuno, Chair  
Representative Jo Jordan, Vice Chair  
Human Services Committee Members

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate  
881 Akiu Place  
Kailua, HI 96734

DATE: 03/28/11

RE: Firm Support for HCR80 HD1/HR72 HD1

This measure clearly, but moreover, ACCURATELY outlines the dilemma faced by many domestic violence and sexual assault victims regarding employment while they remain at-risk or who are in recovery from the trauma of their experiences. Please support this proposal that would truly send the message that we care and "we know" to those who are suffering and will be need us to care and know in order for them to see themselves through one of their darkest hours.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

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**Sent:** Saturday, March 26, 2011 3:11 PM  
**To:** HUS testimony  
**Cc:** thirr33@gmail.com  
**Subject:** Testimony for HCR80 on 3/28/2011 9:00:00 AM

Testimony for HUS 3/28/2011 9:00:00 AM HCR80

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Arvid Youngquist  
Organization: I Love Kalihi Valley  
Address:  
Phone:  
E-mail: [thirr33@gmail.com](mailto:thirr33@gmail.com)  
Submitted on: 3/26/2011

Comments:  
Chair, HUS Committee  
Honorable Committee Members

We support HCR 80 HD1 and HR 72 HD1.

Recommend measure be reported out favorably.

Mahalo for this opportunity to submit written testimony in support.

Sincerely,

Arvid Youngquist  
Founder & Editor  
I Love Kalihi Valley