

JAN 18 2013

A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 383-1, Hawaii Revised Statutes, is
2 amended by deleting the definition of "Alternative base period".

3 [~~"Alternative base period" means the four completed~~
4 ~~calendar quarters immediately preceding the first day of an~~
5 ~~individual's benefit year.]~~

6 SECTION 2. Section 383-29, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) An unemployed individual shall be eligible to receive
9 benefits with respect to any week only if the department finds
10 that:

11 (1) The individual has made a claim for benefits with
12 respect to that week in accordance with rules the
13 department may prescribe and with section 383-29.7 for
14 partially unemployed individuals;

15 (2) The individual has registered for work, as defined in
16 section 383-1, and thereafter continued to report, at
17 an employment office in accordance with rules the
18 department may prescribe, except that the department,



1 by rule, may waive or alter either or both of the
2 requirements of this paragraph for partially
3 unemployed individuals pursuant to section 383-29.8,
4 individuals attached to regular jobs, and other types
5 of cases or situations with respect to which it finds
6 that compliance with those requirements would be
7 oppressive, or would be inconsistent with the purpose
8 of this chapter; provided that no rule shall conflict
9 with section 383-21;

10 (3) The individual is able to work and is available for
11 work; provided that no claimant shall be considered
12 ineligible with respect to any week of unemployment
13 for failure to comply with this paragraph if the
14 failure is due to an illness or disability, as
15 evidenced by a physician's certificate, which occurs
16 during an uninterrupted period of unemployment with
17 respect to which benefits are claimed and no work
18 which would have been suitable prior to the beginning
19 of the illness and disability has been offered the
20 claimant;



- 1 (4) The individual has been unemployed for a waiting
2 period of one week within the individual's benefit
3 year. No week shall be counted as a waiting period:
 - 4 (A) If benefits have been paid with respect thereto;
 - 5 (B) Unless the individual was eligible for benefits
6 with respect thereto as provided in this section
7 and section 383-30, except for the requirements
8 of this paragraph;

- 9 (5) In the case of an individual whose benefit year
10 begins:
 - 11 (A) On or after January 2, 1966, but prior to October
12 1, 1989, the individual has had during the
13 individual's base period a total of fourteen or
14 more weeks of employment, as defined in section
15 383-1, and has been paid wages for insured work
16 during the individual's base period in an amount
17 equal to at least thirty times the individual's
18 weekly benefit amount as determined under section
19 383-22(b). For the purposes of this
20 subparagraph, wages for insured work shall
21 include wages paid for services:



- 1 (i) Which were not employment, as defined in
2 section 383-2, or pursuant to an election
3 under section 383-77 prior to January 1,
4 1978, at any time during the one-year period
5 ending December 31, 1975; and
- 6 (ii) Which are agricultural labor, as defined in
7 section 383-9 except service excluded under
8 section [†]383-7(a)(1)[†], or are domestic
9 service except service excluded under
10 section [†]383-7(a)(2)[†]; except to the
11 extent that assistance under Title II of the
12 Emergency Jobs and Unemployment Assistance
13 Act of 1974 was paid on the basis of those
14 services;
- 15 (B) On and after October 1, 1989, to January 4, 1992,
16 the individual has been employed, as defined in
17 section 383-2, and has been paid wages for
18 insured work during the individual's base period
19 in an amount equal to not less than thirty times
20 the individual's weekly benefit amount, as
21 determined under section 383-22(b), and the
22 individual has been paid wages for insured work



1 during at least two quarters of the individual's
2 base period; provided that no otherwise eligible
3 individual who established a prior benefit year
4 under this chapter or the unemployment
5 compensation law of any other state, shall be
6 eligible to receive benefits in a succeeding
7 benefit year until, during the period following
8 the beginning of the prior benefit year, that
9 individual worked in covered employment for which
10 wages were paid in an amount equal to at least
11 five times the weekly benefit amount established
12 for that individual in the succeeding benefit
13 year; and

14 (C) After January 4, 1992, the individual has been
15 employed, as defined in section 383-2, and has
16 been paid wages for insured work during the
17 individual's base period in an amount equal to
18 not less than twenty-six times the individual's
19 weekly benefit amount, as determined under
20 section 383-22(b), and the individual has been
21 paid wages for insured work during at least two
22 quarters of the individual's base period;



1 provided that no otherwise eligible individual
2 who established a prior benefit year under this
3 chapter or the unemployment compensation law of
4 any other state, shall be eligible to receive
5 benefits in a succeeding benefit year until,
6 during the period following the beginning of the
7 prior benefit year, that individual worked in
8 covered employment for which wages were paid in
9 an amount equal to at least five times the weekly
10 benefit amount established for that individual in
11 the succeeding benefit year.

12 For purposes of this paragraph, wages and weeks of
13 employment shall be counted for benefit purposes with
14 respect to any benefit year only if the benefit year
15 begins subsequent to the dates on which the employing
16 unit by which the wages or other remuneration, as
17 provided in the definition of weeks of employment in
18 section 383-1, were paid has satisfied the conditions
19 of section 383-1 with respect to becoming an
20 employer[-], and

21 ~~[Effective for benefit years beginning January 1,~~
22 ~~2004, and thereafter, if an individual fails to~~



1 ~~establish a valid claim for unemployment insurance~~
2 ~~benefits under this paragraph, the department shall~~
3 ~~make a redetermination of entitlement based upon the~~
4 ~~alternative base period, as defined in section 383-1;~~
5 ~~provided further that the individual shall satisfy the~~
6 ~~conditions of section 383-29(a)(5) that apply to~~
7 ~~claims filed using the base period, as defined in~~
8 ~~section 383-1, and the establishment of claims using~~
9 ~~the alternative base period shall be subject to the~~
10 ~~terms and conditions of sections 383-33 and 383-94;~~
11 ~~and]~~

12 (6) Effective November 24, 1994, an individual who has
13 been referred to reemployment services pursuant to the
14 profiling system under section 383-92.5 shall
15 participate in those services or in similar services.
16 The individual may not be required to participate in
17 reemployment services if the department determines the
18 individual has completed those services, or there is
19 justifiable cause for the claimant's failure to
20 participate in those services.

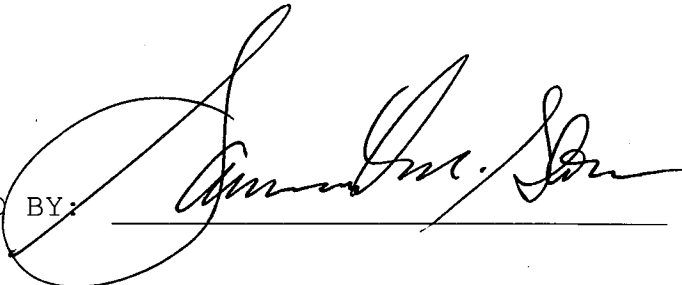


1 For the purposes of this subsection, employment and wages
2 used to establish a benefit year shall not thereafter be reused
3 to establish another benefit year."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 285

Report Title:

Unemployment; Alternative base period; Repeal

Description:

Repeals provision giving consideration to an "alternative base period," for unemployment claims, which is defined as the four completed calendar quarters immediately preceding the first day of the person's benefit year. Repeals definition of "alternative base period."

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

