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## 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 as follows:

3           1. By amending the definition of "benefit year" to read:  
4           ""Benefit year" [~~with respect to any individual means the~~  
5 ~~one-year period beginning with the first day of the first week~~  
6 ~~with respect to which the individual first files a valid claim~~  
7 ~~for benefits and thereafter the one-year period beginning with~~  
8 ~~the first day of the first week with respect to which the~~  
9 ~~individual next files a valid claim for benefits after the~~  
10 ~~termination of the individual's last preceding benefit year.~~  
11 ~~Any claim for benefits made in accordance with section 383-32~~  
12 ~~shall be deemed a "valid claim" for the purpose of this~~  
13 ~~paragraph if the individual has satisfied the conditions~~  
14 ~~required under section 383-29(a) (5). Nothing in sections 383-29~~  
15 ~~and 383-30, except section 383-29(a) (5), shall affect the filing~~  
16 ~~of a "valid claim" or the establishment of a "benefit year".~~



1 ~~For the purposes of this paragraph a week with respect to which~~  
2 ~~an individual files a valid claim shall be deemed to be "in",~~  
3 ~~"within", or "during" that benefit year which includes the~~  
4 ~~greater part of such week.]~~ means a period of fifty-two  
5 consecutive weeks beginning with the first day of the week in  
6 which an individual files a new valid claim for benefits; except  
7 that the benefit year shall be fifty-three weeks if the filing  
8 of a new valid claim would result in overlapping any quarter of  
9 the base year of a previously filed new claim. A subsequent  
10 benefit year cannot be established until the expiration of the  
11 current benefit year."

12 2. By amending the definition of "week" to read:

13 ""Week" means ~~[any period of seven consecutive days as the~~  
14 ~~department may by rule prescribe.]~~ a period of seven consecutive  
15 calendar days commencing with Sunday and ending at midnight the  
16 following Saturday."

17 SECTION 2. Section 383-29.7, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§383-29.7 Partial unemployment; claim filing**

20 **requirements, determinations.** (a) Claims for partial

21 unemployment shall be filed according to section 383-32. [~~For~~



1 ~~partially unemployed individuals, a new claim may be taken~~  
2 ~~within twenty-eight days from the week-ending date of the first~~  
3 ~~week of partial unemployment for which the claim is filed;~~  
4 ~~provided that an individual shall not be required to file a~~  
5 ~~claim earlier than two weeks from the date wages are paid for~~  
6 ~~the claim period.]~~

7 (b) ~~[An individual may file a continued claim~~  
8 ~~certification for partial unemployment benefits in person, by~~  
9 ~~mail, by telephone, or by using other alternative claim filing~~  
10 ~~procedures as instructed or authorized by the department and in~~  
11 ~~the manner prescribed by the department with respect to each~~  
12 ~~week of the individual's partial unemployment. A continued claim~~  
13 ~~certification shall be filed in the same manner as prescribed in~~  
14 ~~rules of the department for continued claim certifications for~~  
15 ~~total or part total unemployment benefits and not later than~~  
16 ~~twenty-eight days from the end of the week for which the~~  
17 ~~individual claims benefits; provided that an individual shall~~  
18 ~~not be required to file a continued claim certification earlier~~  
19 ~~than two weeks from the date wages are paid for a claim period.]~~

20 Continued claim certifications for partial unemployment benefits



1 shall be filed in the same manner and extent that apply to total  
2 or part-total unemployment benefits."

3 SECTION 3. Section 383-68, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) Effective with calendar year 1992 and thereafter,  
6 before December 31 of the previous year the contribution rate  
7 schedule for the following calendar year shall be determined on  
8 the basis of the relationship between the most recent current  
9 reserve fund and the most recent adequate reserve fund, in  
10 accordance with this subsection and subsection (d).

11 (1) Whenever the ratio of the current reserve fund to the  
12 adequate reserve fund is greater than 1.69,  
13 contribution rate schedule A shall apply.

14 (2) Whenever the ratio of the current reserve fund to the  
15 adequate reserve fund is 1.3 to 1.69, contribution  
16 rate schedule B shall apply.

17 (3) Whenever the ratio of the current reserve fund to the  
18 adequate reserve fund is 1.0 to 1.29, contribution  
19 rate schedule C shall apply.



1 (4) Whenever the ratio of the current reserve fund to the  
2 adequate reserve fund is .80 to .99, contribution rate  
3 schedule D shall apply.

4 (5) Whenever the ratio of the current reserve fund to the  
5 adequate reserve fund is .60 to .79, contribution rate  
6 schedule E shall apply.

7 (6) Whenever the ratio of the current reserve fund to the  
8 adequate reserve fund is .40 to .59, contribution rate  
9 schedule F shall apply.

10 (7) Whenever the ratio of the current reserve fund to the  
11 adequate reserve fund is .20 to .39, contribution rate  
12 schedule G shall apply.

13 (8) Whenever the ratio of the current reserve fund to the  
14 adequate reserve fund is less than .20, contribution  
15 rate schedule H shall apply.

16 Notwithstanding the ratio of the current reserve fund to  
17 the adequate reserve fund, contribution rate schedule [D] C  
18 shall apply for calendar year [2010 and contribution rate  
19 schedule F shall apply for calendar years 2011 and 2012.] 2021  
20 and D for calendar year 2022."



1 SECTION 4. Section 383-69, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3 **"§383-69 Procedure for rate determination.** The department  
4 of labor and industrial relations, as soon as is reasonably  
5 possible in each period, shall make its classification of  
6 employers for the period and notify each employer of the  
7 employer's rate of contributions for the period as determined  
8 pursuant to sections 383-63 to 383-69. The determination shall  
9 become conclusive and binding upon the employer unless the  
10 employer appeals the determination by filing a written notice of  
11 appeal within fifteen days after the mailing of notice of the  
12 determination to the employer's last known address. The appeal  
13 shall be heard by the referee in accordance with applicable  
14 provisions of sections 383-38 and 383-39 but no employer shall  
15 have standing, in any proceeding involving the employer's rate  
16 of contributions or contribution liability, to contest the  
17 chargeability to the employer's account of any benefits paid in  
18 accordance with a determination, redetermination, or decision  
19 pursuant to sections 383-31 to 383-43; provided that the  
20 services on the basis of which the benefits were found to be  
21 chargeable did not constitute services performed in employment



1 for the employer and only if the employer was not a party to the  
2 determination, redetermination, or decision, or to any other  
3 proceedings under this chapter in which the character of the  
4 services was determined. The referee's determination shall  
5 become final unless a proceeding for judicial review in the  
6 manner provided in chapter 91 is commenced in the circuit court  
7 of the judicial circuit in which the employer resides or has the  
8 employer's principal place of business or in the circuit court  
9 of the first judicial circuit. An appeal may be taken from the  
10 decision of the circuit court to the intermediate appellate  
11 court, subject to chapter 602. Notwithstanding any other  
12 provision of this chapter, the director shall for calendar years  
13 2021 and 2022 modify the annual computation to omit benefits  
14 charged for all employers to address the disruptions caused by  
15 COVID-19."

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



# H.B. NO. 1278

1 SECTION 6. This Act shall take effect upon its approval;  
2 provided that sections 3 and 4 of this Act shall take effect  
3 retroactive to January 1, 2021.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Reid O'Sullivan", written over a horizontal line.

JAN 27 2021



# H.B. NO. 1278

**Report Title:**

Employment Security; DLIR

**Description:**

Amends the definitions of benefit year and week. Conforms the manner of filing claims for partial benefits to the same as for total or part-total benefits. Requires the director of labor and industrial relations to omit benefits charged for experience rating for employers due to the event of COVID-19 in calendar years 2021 and 2022. For calendar years 2021 and 2022, sets the employer contribution rate at schedule C and D, respectively. Makes amendments to contribution rate schedule and procedure for determination retroactive to 1/1/2021.

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