
A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT BENEFITS RIGHTS.

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

1 SECTION 1. Chapter 89, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§89- Unemployment benefits rights. (a) The
5 accumulation of unemployment benefit rights by a claimant shall
6 be suspended for a period of two consecutive weeks, beginning
7 the day after a claimant is unemployed because of a strike or
8 other industrial controversy in the claimant's employment
9 establishment; provided that benefit rights may be accumulated
10 before the expiration of the two-week suspension, beginning the
11 day after the strike or other industrial controversy was
12 terminated.

13 (b) Benefits shall not be suspended under this section if:

14 (1) The employer hires a permanent replacement worker for
15 the claimant's position; provided that a replacement
16 worker shall be presumed to be permanent unless the
17 employer certifies in writing that the claimant will



1 be able to return to the claimant's prior position
2 upon conclusion of the strike; provided further that
3 the strike terminates prior to the conclusion of the
4 claimant's eligibility for benefit rights under
5 subsection (a). In the event the employer does not
6 allow the claimant to return after certifying that the
7 claimant will be able to return, the claimant shall be
8 entitled to recover any benefits lost as a result of
9 the two-week suspension of benefits, and the board may
10 impose a penalty upon the employer of up to \$750 per
11 employee, per week of benefits lost;

12 (2) The board determines that the claimant:

13 (A) Is not employed by an employer that is involved
14 in the industrial controversy that caused the
15 claimant's unemployment and is not participating
16 in the industrial controversy; or

17 (B) Is not in a bargaining unit involved in the
18 industrial controversy that caused the claimant's
19 unemployment and is not participating in the
20 industrial controversy.



1 (c) No days or weeks of total or partial unemployment
2 benefit payments shall occur in any week that a claimant has
3 received or is seeking unemployment benefits under an
4 unemployment compensation law of another state or of the federal
5 government, except if the appropriate agency of another state or
6 the federal government determines that the claimant is not
7 entitled to unemployment benefits.

8 (d) No waiting period for unemployment benefits shall be
9 served during a suspension period. The suspension of
10 accumulation of benefit rights shall not:

11 (1) Be terminated by subsequent employment of the
12 claimant, irrespective of when the claim is filed,
13 except as provided in subsection (b)(1); and

14 (2) Be confined to a single benefit year.

15 (e) For the purposes of this section, "industrial
16 controversy" means any dispute arising between a worker and an
17 employer or trade union with respect to application of a law,
18 collective bargaining agreement, work rules, employment
19 contract, customary rules, or any disagreement arising during
20 collective bargaining or in connection with a collective
21 bargaining agreement. "Industrial controversy" includes:



- 1 (1) Concerted activity not authorized or sanctioned by the
- 2 recognized or certified bargaining agent of the
- 3 claimant; and
- 4 (2) Concerted activity conducted in violation of any
- 5 existing collective bargaining agreement.

6 "Industrial controversy" does not include employer lockouts."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY: 



S.B. NO. 2941

Report Title:

Unemployment Benefits Rights; Hawaii Labor Relations Board;
Collective Bargaining; Public Employment

Description:

Establishes provisions for unemployment benefit rights when claimants are unemployed due to a strike or industrial controversy.

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

