
A BILL FOR AN ACT

RELATING TO HAWAII EMPLOYMENT SECURITY LAW.

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

1 SECTION 1. Section 383-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "registered for work" or
3 "registration for work" to read as follows:

4 ""Registered for work" or "registration for work" means
5 that an individual shall provide information to the [employment
6 office to be posted on the department's internet job-matching
7 system, including the individual's name, job skills, education,
8 training, prior employment history and work duties, preferred
9 working conditions, occupational licenses, and other relevant
10 occupational information] department to facilitate work search
11 efforts by the individual and increase job referrals by the
12 employment office."

13 SECTION 2. Section 383-29, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsection (a) to read:



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

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

8 (2) The individual has registered for work, as defined in
9 section 383-1, and thereafter continued to report, at
10 an employment office in accordance with rules the
11 department may prescribe, or any other place as the
12 department may approve, except that the department [~~7~~
13 ~~by rule,~~] may waive or alter either or both of the
14 requirements of this paragraph for [~~partially~~]:

15 (A) Partially unemployed individuals pursuant to
16 section 383-29.8 [~~7~~ individuals];

17 (B) Individuals attached to regular jobs [~~7~~ and
18 ~~other~~];

19 (C) Union members in good standing and who are being
20 referred to jobs through the union job placement
21 service; provided that the union agrees to report



1 to the department all individuals who refuse job
2 referrals or offers of work and all individuals
3 not ready, willing, and able to work; provided
4 further that the labor union is approved by the
5 department for the purpose of waiving work
6 registration;

7 (D) Individuals involved in a labor dispute and for
8 whom an employer-employee relationship continues
9 to exist;

10 (E) Individuals who are suspended from work and for
11 whom an employer-employee relationship continues
12 to exist; provided that the waiver shall apply
13 only to the period of suspension and shall not
14 exceed more than four consecutive weeks of
15 unemployment immediately following the week in
16 which the individual has been suspended; or

17 (F) Other types of cases or situations [~~with respect~~
18 ~~to which it~~] where the department finds that
19 compliance with those requirements would be
20 oppressive, or would be inconsistent with the



1 purpose of this chapter[; ~~provided that no rule~~
2 ~~shall conflict with section 383-21~~];

3 (3) The individual is able to work and is available for
4 work; provided that no claimant shall be considered
5 ineligible with respect to any week of unemployment
6 for failure to comply with this paragraph if the
7 failure is due to an illness or disability, as
8 evidenced by a physician's certificate, [~~which~~] that
9 occurs during an uninterrupted period of unemployment
10 with respect to which benefits are claimed and no work
11 [~~which~~] that would have been suitable [~~prior to~~]
12 before the beginning of the illness and disability has
13 been offered the claimant;

14 (4) The individual has been unemployed for a waiting
15 period of one week within the individual's benefit
16 year[; ~~No~~]; provided that no week shall be counted as
17 a waiting period[;

18 ~~(A) If~~] if benefits have been paid with respect
19 thereto[;

20 ~~(B) Unless~~], unless the individual was eligible for
21 benefits with respect thereto as provided in this



1 section and section 383-30, except for the
2 requirements of this paragraph;

3 (5) In the case of an individual whose benefit year
4 begins[+]

5 ~~(A) On or after January 2, 1966, but prior to October~~
6 ~~1, 1989, the individual has had during the~~
7 ~~individual's base period a total of fourteen or~~
8 ~~more weeks of employment, as defined in section~~
9 ~~383-1, and has been paid wages for insured work~~
10 ~~during the individual's base period in an amount~~
11 ~~equal to at least thirty times the individual's~~
12 ~~weekly benefit amount as determined under section~~
13 ~~383-22(b). For the purposes of this~~
14 ~~subparagraph, wages for insured work shall~~
15 ~~include wages paid for services:~~

16 ~~(i) Which were not employment, as defined in~~
17 ~~section 383-2, or pursuant to an election~~
18 ~~under section 383-77 prior to January 1,~~
19 ~~1978, at any time during the one-year period~~
20 ~~ending December 31, 1975; and~~



1 ~~(ii) Which are agricultural labor, as defined in~~
2 ~~section 383-9 except service excluded under~~
3 ~~section [383-7(a)(1)], or are domestic~~
4 ~~service except service excluded under~~
5 ~~section [383-7(a)(2)]; except to the extent~~
6 ~~that assistance under title II of the~~
7 ~~Emergency Jobs and Unemployment Assistance~~
8 ~~Act of 1974 was paid on the basis of those~~
9 ~~services;~~

10 ~~(B) On and after October 1, 1989, to January 4, 1992,~~
11 ~~the individual has been employed, as defined in~~
12 ~~section 383-2, and has been paid wages for~~
13 ~~insured work during the individual's base period~~
14 ~~in an amount equal to not less than thirty times~~
15 ~~the individual's weekly benefit amount, as~~
16 ~~determined under section 383-22(b), and the~~
17 ~~individual has been paid wages for insured work~~
18 ~~during at least two quarters of the individual's~~
19 ~~base period; provided that no otherwise eligible~~
20 ~~individual who established a prior benefit year~~
21 ~~under this chapter or the unemployment~~



1 ~~compensation law of any other state, shall be~~
2 ~~eligible to receive benefits in a succeeding~~
3 ~~benefit year until, during the period following~~
4 ~~the beginning of the prior benefit year, that~~
5 ~~individual worked in covered employment for which~~
6 ~~wages were paid in an amount equal to at least~~
7 ~~five times the weekly benefit amount established~~
8 ~~for that individual in the succeeding benefit~~
9 ~~year; and~~

10 (C) ~~After]~~ after January 4, 1992, the individual has
11 been employed, as defined in section 383-2, and
12 has been paid wages for insured work during the
13 individual's base period in an amount equal to
14 not less than twenty-six times the individual's
15 weekly benefit amount, as determined under
16 section 383-22(b), and the individual has been
17 paid wages for insured work during at least two
18 quarters of the individual's base period;
19 provided that no otherwise eligible individual
20 who established a prior benefit year under this
21 chapter or the unemployment compensation law of



1 any other state, shall be eligible to receive
2 benefits in a succeeding benefit year until,
3 during the period following the beginning of the
4 prior benefit year, that individual worked in
5 covered employment for which wages were paid in
6 an amount equal to at least five times the weekly
7 benefit amount established for that individual in
8 the succeeding benefit year.

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

17 Effective for benefit years beginning
18 January 1, 2004, and thereafter, if an individual
19 fails to establish a valid claim for unemployment
20 insurance benefits under this paragraph, the
21 department shall make a redetermination of entitlement



1 based upon the alternative base period, as defined in
2 section 383-1; provided further that the individual
3 shall satisfy the conditions of [~~section 383-29(a)(5)~~]
4 this paragraph that apply to claims filed using the
5 base period, as defined in section 383-1, and the
6 establishment of claims using the alternative base
7 period shall be subject to the terms and conditions of
8 sections 383-33 and 383-94; and

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

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

21 2. By amending subsection (e) to read:



1 "(e) Notwithstanding any provisions of this chapter to the
2 contrary, a claimant shall not be denied benefits because of the
3 claimant's regular attendance at a vocational training or
4 retraining course [~~which~~] that the director has approved and
5 continues from time to time to approve for the claimant. The
6 director may approve [~~such~~] a course for a claimant only if:

7 (1) The training activity is authorized under [~~titles I,~~
8 ~~II, III, and IV (except on-the-job training) of the~~
9 ~~Job Partnership Training Act (P.L. 97-300);~~] the
10 Workforce Innovation and Opportunity Act (P.L. 113-
11 128); or

12 (2) All of the following conditions apply:

13 (A) Reasonable employment opportunities for which the
14 claimant is fitted by training and experience do
15 not exist in the locality or are severely
16 curtailed;

17 (B) The training course relates to an occupation or
18 skill for which there are, or are expected to be
19 in the immediate future, reasonable employment
20 opportunities in the locality;



1 (C) The training course is offered by a competent and
2 reliable agency; and

3 (D) The claimant has the required qualifications and
4 aptitudes to complete the course successfully."

5 SECTION 3. Section 383-36, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§383-36 Notice of determinations.** Notice of a
8 determination or redetermination upon a claim shall be promptly
9 given to the claimant~~[, by delivery thereof or by mailing the~~
10 ~~notice]~~ by electronic notification; provided that the claimant
11 may elect to receive notice by mail, in which case the notice
12 shall be mailed to the claimant's last known address. In
13 addition, notice of a determination or redetermination with
14 respect to the first week of a benefit year shall be given to
15 each employer by whom the claimant was employed during the
16 claimant's base period, and to the last employing unit by whom
17 the claimant was employed, and notice of any determination or
18 redetermination ~~[which]~~ that involves the application of section
19 383-30 shall be given to the last employing unit by whom the
20 claimant was employed, in every case by ~~[delivery thereof to~~
21 ~~such party or]~~ electronic notification unless an election was



1 made to receive notices by mail, and in that case, by mailing
2 the notice to the party's last known address. The date of
3 electronic notification shall be equivalent to the mailing
4 date."

5 SECTION 4. Section 383-38, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsections (a) and (b) to read:

8 "(a) The claimant or any other party entitled to notice of
9 a determination or redetermination as [~~herein~~] provided in this
10 section may file an appeal from the determination or
11 redetermination at the office of the department in the county in
12 which the claimant resides or in the county in which the
13 claimant was last employed, or with a copy of the contested
14 determination at the employment security appeals referee's
15 office, within ten days after the date of mailing of the notice
16 to the claimant's or party's last known address, or if the
17 notice is not mailed, within ten days after the date of
18 [~~delivery~~] the electronic notification of the notice to the
19 claimant or party. The department may for good cause extend the
20 period within which an appeal may be filed to thirty days. The
21 notice of a determination or redetermination shall be final and



1 shall be binding upon each party unless an appeal is filed by a
2 party pursuant to this subsection. Written notice of a hearing
3 of an appeal shall be sent by electronic notification or by
4 first class, nonregistered, noncertified mail to the claimant's
5 or party's last known address at least twelve days [~~prior to~~]
6 before the initial hearing date.

7 (b) The appeal under subsection (a) shall be heard in the
8 county in which the appeal is filed, except that the department
9 may by its rules provide for the holding of a hearing in another
10 county with the consent of all parties or where necessary in
11 order that a fair and impartial hearing may be had, and may
12 provide for the taking of depositions. Unless the appeal is
13 withdrawn with the permission of the referee, the referee after
14 affording the parties reasonable opportunity for a fair hearing
15 shall make findings and conclusions and on the basis thereof
16 affirm, modify, or reverse such determination or
17 redetermination. The parties to any appeal shall be promptly
18 notified of the decision of the referee and shall be furnished
19 with a copy of the decision and the findings and conclusions in
20 support thereof and the decisions shall be final and shall be
21 binding upon each party unless a proceeding for judicial review



1 is [~~initiated~~] filed by the party pursuant to section 383-41;
2 provided that within the time provided for taking an appeal and
3 prior to the filing of a notice of appeal, the referee may
4 reopen the matter, upon the application of the director or any
5 other party, or upon the referee's own motion, and thereupon may
6 take further evidence or may modify or reverse the referee's
7 decision, findings, or conclusions. If the matter is reopened,
8 the referee shall render a further decision in the matter either
9 reaffirming or modifying or reversing the referee's original
10 decision, and notice shall be given thereof in the manner
11 hereinbefore provided. Upon reopening, the referee who heard
12 the original appeal shall reconsider the matter, except where
13 the referee is no longer employed as a referee or the referee
14 disqualifies oneself from reconsidering the referee's decision."

15 2. By amending subsections (d) and (e) to read:

16 "(d) If a claimant or party does not receive the written
17 notice under subsection (a), a second written notice shall be
18 sent by certified mail[~~7~~] or by electronic notification, and the
19 hearing on the appeal shall be rescheduled accordingly.

20 (e) [~~Upon application to, and approval by, the employment~~
21 ~~security appeals referee's office, a claimant or party to an~~



1 ~~appeal may elect to receive hearing notices, decisions, and~~
2 ~~other appeal documents from the referee's office in electronic~~
3 ~~format in lieu of notice by mail. The date of electronic~~
4 ~~transmission is equivalent to the mailing date for purposes of~~
5 ~~this section.] A claimant or party shall receive hearing~~
6 ~~notices, decisions, and other appeal documents from the~~
7 ~~referee's office by electronic notification, unless an election~~
8 ~~was made to receive notices, decisions, and other appeal~~
9 ~~documents from the referee's office by mail, and in that case,~~
10 ~~the notices, decisions, and other appeal documents will be~~
11 ~~mailed to the claimant's or party's last known address. The~~
12 ~~date of electronic notification shall be equivalent to the~~
13 ~~mailing date.~~ Electronic notification status may be rescinded
14 at any time by the referee's office, claimant, or any party upon
15 written notification."

16 SECTION 5. Section 383-66, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The department, for the nine-month period April 1,
19 1941, to December 31, 1941, and for each calendar year
20 thereafter, except as otherwise provided in this part, shall
21 classify employers in accordance with their actual experience in



1 the payment of contributions and with respect to benefits
2 charged against their accounts with a view to fixing the
3 contribution rates to reflect this experience. The department
4 shall determine the contribution rate of each employer in
5 accordance with the following requirements:

6 (1) The standard rate of contributions payable by each
7 employer for any calendar year through 1984 shall be
8 three per cent. For calendar years 1985 and
9 thereafter, the standard rate of contributions payable
10 by each employer shall be five and four-tenths per
11 cent;

12 (2) No employer's rate for the calendar year 1942 and for
13 any calendar year thereafter shall be other than the
14 maximum rate unless and until the employer's account
15 has been chargeable with benefits throughout the
16 thirty-six consecutive calendar month period ending on
17 December 31 of the preceding calendar year, except
18 that, for the calendar year 1956 and for each calendar
19 year thereafter, an employer who has not been subject
20 to the law for a sufficient period to meet this
21 requirement may qualify for a rate other than the



1 maximum rate if the employer's account has been
2 chargeable throughout a lesser period but in no event
3 less than the twelve consecutive calendar month period
4 ending on December 31 of the preceding calendar year.
5 For the calendar years 1985 through 1991, the
6 contribution rate for a new or newly covered employer
7 shall be the sum of the employer's basic contribution
8 rate of three and six-tenths per cent and the fund
9 solvency contribution rate determined for that year
10 pursuant to section 383-68(a), until the employer's
11 account has been chargeable with benefits throughout
12 the twelve consecutive calendar month period ending on
13 December 31 of the preceding calendar year; except
14 that no employer's contribution rate shall be greater
15 than five and four-tenths per cent and no employer
16 with a negative reserve ratio shall have a
17 contribution rate less than the employer's basic
18 contribution rate. For calendar years 1992 and
19 thereafter, the contribution rate for a new or newly
20 covered employer shall be the contribution rate
21 assigned to any employer with .0000 reserve ratio,



1 until the employer's account has been chargeable with
2 benefits throughout the twelve consecutive calendar
3 month period ending on December 31 of the preceding
4 calendar year;

5 (3) Any amount credited to this State under section 903 of
6 the Social Security Act, as amended, which has been
7 appropriated for expenses of administration, whether
8 or not withdrawn from the trust fund, shall be
9 excluded from the fund for the purposes of this
10 paragraph. Any advance that may be made to this State
11 under section 1201 of the Social Security Act, whether
12 or not withdrawn from this trust fund, shall be
13 excluded from the fund for the purposes of this
14 paragraph. No employer's rate shall be reduced in any
15 amount that is not allowable as an additional credit,
16 against the tax levied by the federal Unemployment Tax
17 Act pursuant to section 3302(b) of the federal
18 Internal Revenue Code or pursuant to any other federal
19 statute, successor to section 3302(b), which provides
20 for the additional credit now provided for in section
21 3302(b);



1 (4) If, when any classification of employers is to be made
2 (which may be after the commencement of the period for
3 which the classification is to be made), the
4 department finds that any employer has failed to file
5 any report required in connection therewith or has
6 filed a report that the department finds incorrect or
7 insufficient, the department shall notify the employer
8 thereof by mail addressed to the employer's last known
9 address. Unless the employer files the report or a
10 corrected or sufficient report, as the case may be,
11 within fifteen days after the mailing of the notice,
12 the maximum rate of contributions shall be payable by
13 the employer for the period for which the contribution
14 rate is to be fixed. Effective January 1, 1987, the
15 director, for excusable failure, may redetermine the
16 assignment of the maximum contribution rate in
17 accordance with this section, provided the employer
18 files all reports as required by the department and
19 submits a written request for redetermination before
20 December 31 of the year for which the contribution
21 rate is to be fixed;



1 (5) For the purpose of sections 383-63 to 383-69, if after
2 December 31, 1939, any employing unit in any manner
3 succeeds to or acquires the organization, trade, or
4 business, or substantially all the assets thereof
5 (whether or not the successor or acquiring unit was an
6 "employing unit", as that term is defined in section
7 383-1 prior to the acquisition), or after
8 December 31, 1988 and prior to December 31, 1992,
9 acquires a clearly identifiable and segregable portion
10 of the organization, trade, or business of another
11 that at the time of the acquisition was an employer
12 subject to this chapter, and the successor continues
13 or resumes the organization, trade, or business and
14 continues to employ all or nearly all of the
15 predecessor's employees, or the successor continues or
16 resumes the clearly identifiable and segregable
17 portion of the organization, trade, or business and
18 continues to employ all or nearly all of the employees
19 of the clearly identifiable and segregable portion, an
20 application may be made for transfer of the
21 predecessor's experience record. If the predecessor



1 employer has submitted all information and reports
2 required by the department including amended quarterly
3 wage reports identifying the employees transferred or
4 retained and executed and filed with the department
5 before December 31 of the calendar year following the
6 calendar year in which the acquisition occurred on a
7 form approved by the department a waiver relinquishing
8 the rights to all or the clearly identifiable and
9 segregable portion of the predecessor's prior
10 experience record with respect to its separate
11 account, actual contribution payment, and benefit
12 chargeability experience, annual payrolls and other
13 data for the purpose of obtaining a reduced rate, and
14 requesting the department to permit the experience
15 record to inure to the benefit of the successor
16 employing unit upon request of the successor employing
17 unit, the experience record for rate computation
18 purposes of the predecessor shall thereupon be deemed
19 the experience record of the successor and the
20 experience record shall be transferred by the
21 department to the successor employing unit and shall



1 become the separate account of the employing unit as
2 of the date of the acquisition. Benefits chargeable
3 to the predecessor employer or successor employer in
4 case of an acquisition of a clearly identifiable and
5 segregable portion of the organization, trade, or
6 business, after the date of acquisition on account of
7 employment prior to the date of the acquisition shall
8 be charged to the separate account of the successor
9 employing unit. In case of an acquisition of a
10 clearly identifiable and segregable portion of the
11 organization, trade, or business, the experience
12 record that inures to the benefit of the successor
13 employer shall be determined as follows:

14 (A) Wages, as used in section 383-61, attributable to
15 the clearly identifiable and segregable portion
16 shall be for the period beginning with the most
17 recent three consecutive calendar years
18 immediately preceding the determination of rates
19 under sections 383-63 to 383-69 and through the
20 date of acquisition; and



1 (B) Reserve balance attributable to the clearly
2 identifiable and segregable portion shall be the
3 amount determined by dividing the wages, as used
4 in section 383-61, of the clearly identifiable
5 and segregable portion in the three calendar
6 years (or that lesser period as the clearly
7 identifiable and segregable portion may have been
8 in operation) immediately preceding the
9 computation date of the rating period prior to
10 which the acquisition occurred by the total
11 taxable payrolls of the predecessor for the
12 three-year period (or that lesser period as the
13 clearly identifiable and segregable portion may
14 have been in operation) and multiplying the
15 quotient by the reserve balance of the
16 predecessor employer calculated as of the
17 acquisition date;
18 provided the waiver or waivers required herein are
19 filed with the department within sixty days after the
20 date of acquisition, the successor employing unit,
21 unless already an employer subject to this chapter,



1 shall be subject from the date of acquisition to the
2 rate of contribution of the predecessor or of two or
3 more predecessors if they have the same contribution
4 rate. If there are two or more predecessors having
5 different contribution rates, the successor shall be
6 subject to the rate prescribed for new or newly
7 covered employers under paragraph (2) until the next
8 determination of rates under sections 383-63 to
9 383-69, at which time the experience records of the
10 predecessors and successor shall be combined and shall
11 be deemed to be the experience record of a single
12 employing unit and the successor's rate shall
13 thereupon be determined upon the basis of the combined
14 experience. If the successor at the time of the
15 transfer is an employer subject to this chapter, the
16 rate of contribution to which the successor is then
17 subject shall remain the same until the next
18 determination of rates under sections 383-63 to
19 383-69, at which time the experience records of the
20 predecessor and successor shall be combined and shall
21 be deemed to be the experience record of a single



1 employing unit and the successor's rate shall
2 thereupon be determined upon the basis of the combined
3 experience. For the purpose of determination of rates
4 under sections 383-63 to 383-69 of all successor
5 employing units, waivers as required herein, if not
6 previously filed as hereinabove provided, shall be
7 filed with the department not later than March 1 of
8 the year for which the rate is determined; provided
9 that no waiver shall be accepted by the department for
10 filing unless the employing unit executing the waiver
11 has filed all reports and paid all contributions
12 required by this chapter;

13 ~~[(6) The department may prescribe rules for the~~
14 ~~establishment, maintenance, and dissolution of joint~~
15 ~~accounts by two or more employers, and, in accordance~~
16 ~~with the rules and upon application by two or more~~
17 ~~employers to establish such an account, or to merge~~
18 ~~their several individual accounts in a joint account,~~
19 ~~shall maintain the joint account as if it constituted~~
20 ~~a single employer's account. The rules shall be~~
21 ~~consistent with the federal requirements for~~



1 ~~additional credit allowance in section 3303 of the~~
2 ~~federal Internal Revenue Code and consistent with this~~
3 ~~chapter;~~

4 ~~(7)]~~ (6) Whenever there is an amendment to this chapter
5 which, if immediately effective, would change an
6 employer's rate of contributions, the rate of the
7 employer shall be changed in accordance with the
8 amendment and the new rate shall apply for the
9 remainder of the calendar year beginning with the
10 calendar quarter immediately following the effective
11 date of the amendment providing for the change, unless
12 otherwise provided by the amendment;

13 ~~[(8)]~~ (7) For the purposes of this section, "contribution
14 rate" shall mean the basic contribution rate as
15 defined in section 383-68 when applied to calendar
16 year 1978 or any calendar year thereafter; and

17 ~~[(9)]~~ (8) For the purposes of this section, the terms
18 "employing unit", "employer", "predecessor", and
19 "successor" shall include both the singular and the
20 plural of each term. Nothing in this section shall
21 prevent two or more successor employing units, which



1 each succeed to or acquire a clearly identifiable and
2 segregable portion of a predecessor employing unit,
3 from gaining the benefit of the clearly identifiable
4 and segregable portion of the predecessor's experience
5 record;

6 provided that the terms of this section are complied with,
7 nothing herein shall bar a predecessor employer from waiving the
8 rights to all or the clearly identifiable and segregable portion
9 of the predecessor's prior experience record in favor of a
10 successor employer where the successor acquired a clearly
11 identifiable and segregable portion of the predecessor's
12 organization, trade, or business after December 31, 1988 and
13 prior to December 31, 1992."

14 SECTION 6. Section 383-163.6, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) An individual filing a new claim for unemployment
17 compensation shall, at the time of filing the claim, be advised
18 that:

19 (1) Unemployment compensation is subject to federal and
20 state income tax;



- 1 (2) Requirements exist pertaining to estimated tax
2 payments;
- 3 (3) The individual may elect to have federal income tax
4 deducted and withheld from the individual's payment of
5 unemployment compensation at the amount specified in
6 the federal Internal Revenue Code;
- 7 (4) The individual may elect to have state income tax
8 deducted and withheld from the individual's payment of
9 unemployment compensation at the amount specified in
10 section 235-69;
- 11 (5) The individual may elect to have state and local
12 income taxes deducted and withheld from the
13 individual's payment of unemployment compensation for
14 other states and localities outside this State at the
15 percentage established by the state or locality, if
16 the department by agreement with the other state or
17 locality is authorized to deduct and withhold income
18 tax; and
- 19 (6) The individual shall be permitted to change a
20 previously elected withholding status [~~no more than~~
21 ~~one~~] during a benefit year."



1 SECTION 7. Section 383-12, Hawaii Revised Statutes, is
2 repealed.

3 ~~["**§383-12** Requirement to post work availability online.
4 To meet the online registration for work requirements under
5 section 383-29(a), the department shall:~~

6 ~~(1) Allow an individual to post the required information
7 independently on the department's internet job-
8 matching system; or~~

9 ~~(2) Accept information provided by the individual in the
10 form prescribed by the department, and enter the
11 necessary information on the department's internet
12 job-matching system for the individual.~~

13 ~~The employment office shall provide the necessary
14 information to the unemployment office for the purpose of
15 determining whether the individual's registration for work
16 requirements have been met."]~~

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

DLIR; Hawaii Employment Security Law; Unemployment Benefits; Registration for Work; Electronic Notice; Waiver; Deregulation

Description:

Expands the circumstances where the Department of Labor and Industrial Relations may waive the requirements for individuals to register to work and report to an employment office to be eligible for unemployment benefits. Authorize the Department to allow individuals to report to a location other than an employment office or other location approved pursuant to its rules. Beginning 4/1/2027, requires notices of determinations and documentation relating to appeals to be sent electronically, unless the election for mail is made. Allows an individual to change an elected withholding status more than once during a benefit year. Amends the statutory definition of "registered for work" or "registration for work". Repeals the requirement for individuals to post their work availability online to be eligible for unemployment benefits. Repeals the statutory provision for joint experience rating. Effective 7/1/3000.
(HD1)

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

