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# A BILL FOR AN ACT

RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW.

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

- 1           SECTION 1. Section 383-29, Hawaii Revised Statutes, is  
2 amended as follows:
- 3           1. By amending subsection (a) to read:
- 4           "(a) An unemployed individual shall be eligible to receive  
5 benefits with respect to any week only if the department finds  
6 that:
- 7           (1) The individual has made a claim for benefits with  
8           respect to that week in accordance with rules the  
9           department may prescribe and with section 383-29.7 for  
10           partially unemployed individuals;
- 11           (2) The individual has registered for work[~~as defined in~~  
12 ~~section 383-1,~~] and thereafter continued to report, at  
13           an employment office in accordance with rules the  
14           department may prescribe, or such other place as the  
15 department may approve, except that the department[~~by rule,~~  
16           ] may waive or alter either or both of the  
17           requirements of this paragraph for [~~partially~~]:



- 1           (A) Partially unemployed individuals pursuant to  
2                           section 383-29.8[~~individuals~~];
- 3           (B) Individuals attached to regular jobs[~~and~~  
4                           other];
- 5           (C) Union members in good standing and who are being  
6                           referred to jobs through the union job placement  
7                           service; provided that the union agrees to report  
8                           to the department all individuals who refuse job  
9                           referrals or offers of work and all individuals  
10                          not ready, willing, and able to work, and the  
11                          union is approved by the department for the  
12                          purpose of waiving work registration;
- 13           (D) Individuals involved in a labor dispute and for  
14                           whom an employer-employee relationship continues  
15                           to exist;
- 16           (E) Individuals who are suspended from work and for  
17                           whom an employer-employee relationship continues  
18                           to exist; provided that the waiver shall apply  
19                           only to the period of suspension and shall not  
20                           exceed more than four consecutive weeks of



1                    unemployment immediately following the week in  
2                    which the individual has been suspended; or  
3                    (F) Other types of cases or situations with respect  
4                    to which [~~it~~] the department finds that  
5                    compliance with those requirements would be  
6                    oppressive, or would be inconsistent with the  
7                    purpose of this chapter[~~; provided that no rule~~  
8                    ~~shall conflict with section 383-21~~];

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



~~individual has been paid wages for insured work during at least two quarters of the individual's base period; provided that no otherwise eligible individual who established a prior benefit year under this chapter or the unemployment compensation law of any other state, shall be eligible to receive benefits in a succeeding benefit year until, during the period following the beginning of the prior benefit year, that individual worked in covered employment for which wages were paid in an amount equal to at least five times the weekly benefit amount established for that individual in the succeeding benefit year; and~~

~~(C)~~ After] after January 4, 1992, the individual has been employed, as defined in section 383-2, and has been paid wages for insured work during the individual's base period in an amount equal to not less than twenty-six times the individual's weekly benefit amount, as determined under section 383-22(b), and the individual has been paid wages for insured



1 work 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 under  
4 this chapter or the unemployment compensation law of  
5 any other state, shall be eligible to receive benefits  
6 in a succeeding benefit year until, during the period  
7 following the beginning of the prior benefit year,  
8 that individual worked in covered employment for which  
9 wages were paid in an amount equal to at least five  
10 times the weekly benefit amount established for that  
11 individual in the succeeding benefit year.

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



1           Effective for benefit years beginning January 1,  
2           2004, and thereafter, if an individual fails to  
3           establish a valid claim for unemployment insurance  
4           benefits under this paragraph, the department shall  
5           make a redetermination of entitlement based upon the  
6           alternative base period, as defined in section 383-1;  
7           provided further that the individual shall satisfy the  
8           conditions of section 383-29(a)(5) that apply to  
9           claims filed using the base period, as defined in  
10          section 383-1, and the establishment of claims using  
11          the alternative base period shall be subject to the  
12          terms and conditions of sections 383-33 and 383-94;  
13          and

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





1           justifiable cause for the claimant's failure to  
2           participate in those services.

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

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

7           "(e) Notwithstanding any provisions of this chapter to the  
8           contrary, a claimant shall not be denied benefits because of the  
9           claimant's regular attendance at a vocational training or  
10          retraining course which the director has approved and continues  
11          from time to time to approve for the claimant. The director may  
12          approve such course for a claimant only if:

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

18          (2) All of the following conditions apply:

19                  (A) Reasonable employment opportunities for which the  
20                  claimant is fitted by training and experience do



1 not exist in the locality or are severely  
2 curtailed;

3 (B) The training course relates to an occupation or  
4 skill for which there are, or are expected to be  
5 in the immediate future, reasonable employment  
6 opportunities in the locality;

7 (C) The training course is offered by a competent and  
8 reliable agency; and

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

11 SECTION 2. Section 383-29.8, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) An individual shall be exempted from the work search  
14 requirements as determined by rules of the department, or be  
15 subject to modified work search requirements as authorized by  
16 the department if the individual is waived from the registration  
17 for work requirements [~~, as defined in section 383-1.~~] under  
18 section 383-29(a)."

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



1       **"§383-36 Notice of determinations.** Notice of a  
2 determination or redetermination upon a claim shall be promptly  
3 given to the claimant[~~, by delivery thereof or~~] by electronic  
4 notification unless an election was made to receive notices by  
5 mail, and in such case, by mailing the notice to the claimant's  
6 last known address. In addition, notice of a determination or  
7 redetermination with respect to the first week of a benefit year  
8 shall be given to each employer by whom the claimant was  
9 employed during the claimant's base period, and to the last  
10 employing unit by whom the claimant was employed, and notice of  
11 any determination or redetermination which involves the  
12 application of section 383-30 shall be given to the last  
13 employing unit by whom the claimant was employed, in every case  
14 by [~~delivery thereof to such party or~~] electronic notification  
15 unless an election was made to receive notices by mail, and in  
16 such case, by mailing the notice to the party's last known  
17 address. The date of electronic notification shall be  
18 equivalent to the mailing date."

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

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



1       "(a) The claimant or any other party entitled to notice of  
2 a determination or redetermination as [~~herein~~] provided in this  
3 subsection may file an appeal from the determination or  
4 redetermination at the office of the department in the county in  
5 which the claimant resides or in the county in which the  
6 claimant was last employed, or with a copy of the contested  
7 determination at the employment security appeals referee's  
8 office, within ten days after the date of mailing of the notice  
9 to the claimant's or party's last known address, or if the  
10 notice is not mailed, within ten days after the date of  
11 [~~delivery~~] the electronic notification of the notice to the  
12 claimant or party. The department may for good cause extend the  
13 period within which an appeal may be filed to thirty days. The  
14 notice of a determination or redetermination shall be final and  
15 shall be binding upon each party unless an appeal is filed by a  
16 party pursuant to this subsection. Written notice of a hearing  
17 of an appeal shall be sent by first class, nonregistered,  
18 noncertified mail to the claimant's or party's last known  
19 address at least twelve days prior to the initial hearing  
20 date[+] or by electronic notification.



1 (b) The appeal under subsection (a) shall be heard in the  
2 county in which the appeal is filed, except that the department  
3 may by its rules provide for the holding of a hearing in another  
4 county with the consent of all parties or where necessary in  
5 order that a fair and impartial hearing may be had, and may  
6 provide for the taking of depositions. Unless the appeal is  
7 withdrawn with the permission of the referee, the referee after  
8 affording the parties reasonable opportunity for a fair hearing  
9 shall make findings and conclusions and on the basis thereof  
10 affirm, modify, or reverse such determination or  
11 redetermination. The parties to any appeal shall be promptly  
12 notified of the decision of the referee and shall be furnished  
13 with a copy of the decision and the findings and conclusions in  
14 support thereof and the decisions shall be final and shall be  
15 binding upon each party unless a proceeding for judicial review  
16 is [~~initiated~~] filed by the party pursuant to section 383-41;  
17 provided that within the time provided for taking an appeal and  
18 prior to the filing of a notice of appeal, the referee may  
19 reopen the matter, upon the application of the director or any  
20 other party, or upon the referee's own motion, and thereupon may  
21 take further evidence or may modify or reverse the referee's



1 decision, findings, or conclusions. If the matter is reopened,  
2 the referee shall render a further decision in the matter either  
3 reaffirming or modifying or reversing the referee's original  
4 decision, and notice shall be given thereof in the manner  
5 hereinbefore provided. Upon reopening, the referee who heard  
6 the original appeal shall reconsider the matter, except where  
7 the referee is no longer employed as a referee or the referee  
8 disqualifies oneself from reconsidering the referee's decision."

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

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

14 ~~(e) [Upon application to, and approval by, the employment~~  
15 ~~security appeals referee's office, a claimant or party to an~~  
16 ~~appeal may elect to receive hearing notices, decisions, and~~  
17 ~~other appeal documents from the referee's office in electronic~~  
18 ~~format in lieu of notice by mail. The date of electronic~~  
19 ~~transmission is equivalent to the mailing date for purposes of~~  
20 ~~this section.]~~ A claimant or party shall receive hearing  
21 notices, decisions, and other appeal documents from the



1 referee's office by electronic notification, unless an election  
2 was made to receive notices, decisions, and other appeal  
3 documents from the referee's office by mail, and in such case,  
4 the notices, decisions, and other appeal documents shall be  
5 mailed to the claimant's or party's last known address. The  
6 date of electronic notification shall be equivalent to the  
7 mailing date. Electronic notification status may be rescinded  
8 at any time by the referee's office, claimant, or any party upon  
9 written notification."

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

12 "(a) The department, for the nine-month period April 1,  
13 1941, to December 31, 1941, and for each calendar year  
14 thereafter, except as otherwise provided in this part, shall  
15 classify employers in accordance with their actual experience in  
16 the payment of contributions and with respect to benefits  
17 charged against their accounts with a view to fixing the  
18 contribution rates to reflect this experience. The department  
19 shall determine the contribution rate of each employer in  
20 accordance with the following requirements:



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

7           (2) No employer's rate for the calendar year 1942 and for  
8           any calendar year thereafter shall be other than the  
9           maximum rate unless and until the employer's account  
10          has been chargeable with benefits throughout the  
11          thirty-six consecutive calendar month period ending on  
12          December 31 of the preceding calendar year, except  
13          that, for the calendar year 1956 and for each calendar  
14          year thereafter, an employer who has not been subject  
15          to the law for a sufficient period to meet this  
16          requirement may qualify for a rate other than the  
17          maximum rate if the employer's account has been  
18          chargeable throughout a lesser period but in no event  
19          less than the twelve consecutive calendar month period  
20          ending on December 31 of the preceding calendar year.  
21          For the calendar years 1985 through 1991, the





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



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

18          (4) If, when any classification of employers is to be made  
19          (which may be after the commencement of the period for  
20          which the classification is to be made), the  
21          department finds that any employer has failed to file



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

- 18 (5) For the purpose of sections 383-63 to 383-69, if after  
19 December 31, 1939, any employing unit in any manner  
20 succeeds to or acquires the organization, trade, or  
21 business, or substantially all the assets thereof



1 (whether or not the successor or acquiring unit was an  
2 "employing unit", as that term is defined in section  
3 383-1 prior to the acquisition), or after  
4 December 31, 1988 and prior to December 31, 1992,  
5 acquires a clearly identifiable and segregable portion  
6 of the organization, trade, or business of another  
7 that at the time of the acquisition was an employer  
8 subject to this chapter, and the successor continues  
9 or resumes the organization, trade, or business and  
10 continues to employ all or nearly all of the  
11 predecessor's employees, or the successor continues or  
12 resumes the clearly identifiable and segregable  
13 portion of the organization, trade, or business and  
14 continues to employ all or nearly all of the employees  
15 of the clearly identifiable and segregable portion, an  
16 application may be made for transfer of the  
17 predecessor's experience record. If the predecessor  
18 employer has submitted all information and reports  
19 required by the department including amended quarterly  
20 wage reports identifying the employees transferred or  
21 retained and executed and filed with the department



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



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

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

17 (B) Reserve balance attributable to the clearly  
18 identifiable and segregable portion shall be the  
19 amount determined by dividing the wages, as used  
20 in section 383-61, of the clearly identifiable  
21 and segregable portion in the three calendar



1           years (or that lesser period as the clearly  
2           identifiable and segregable portion may have been  
3           in operation) immediately preceding the  
4           computation date of the rating period prior to  
5           which the acquisition occurred by the total  
6           taxable payrolls of the predecessor for the  
7           three-year period (or that lesser period as the  
8           clearly identifiable and segregable portion may  
9           have been in operation) and multiplying the  
10          quotient by the reserve balance of the  
11          predecessor employer calculated as of the  
12          acquisition date;

13         provided the waiver or waivers required herein are  
14         filed with the department within sixty days after the  
15         date of acquisition, the successor employing unit,  
16         unless already an employer subject to this chapter,  
17         shall be subject from the date of acquisition to the  
18         rate of contribution of the predecessor or of two or  
19         more predecessors if they have the same contribution  
20         rate. If there are two or more predecessors having  
21         different contribution rates, the successor shall be



1 subject to the rate prescribed for new or newly  
2 covered employers under paragraph (2) until the next  
3 determination of rates under sections 383-63 to  
4 383-69, at which time the experience records of the  
5 predecessors and successor shall be combined and shall  
6 be deemed to be the experience record of a single  
7 employing unit and the successor's rate shall  
8 thereupon be determined upon the basis of the combined  
9 experience. If the successor at the time of the  
10 transfer is an employer subject to this chapter, the  
11 rate of contribution to which the successor is then  
12 subject shall remain the same until the next  
13 determination of rates under sections 383-63 to  
14 383-69, at which time the experience records of the  
15 predecessor and successor shall be combined and shall  
16 be deemed to be the experience record of a single  
17 employing unit and the successor's rate shall  
18 thereupon be determined upon the basis of the combined  
19 experience. For the purpose of determination of rates  
20 under sections 383-63 to 383-69 of all successor  
21 employing units, waivers as required herein, if not





1 previously filed as hereinabove provided, shall be  
2 filed with the department not later than March 1 of  
3 the year for which the rate is determined; provided  
4 that no waiver shall be accepted by the department for  
5 filing unless the employing unit executing the waiver  
6 has filed all reports and paid all contributions  
7 required by this chapter;

8 ~~[(6)] The department may prescribe rules for the~~  
9 ~~establishment, maintenance, and dissolution of joint~~  
10 ~~accounts by two or more employers, and, in accordance~~  
11 ~~with the rules and upon application by two or more~~  
12 ~~employers to establish such an account, or to merge~~  
13 ~~their several individual accounts in a joint account,~~  
14 ~~shall maintain the joint account as if it constituted~~  
15 ~~a single employer's account. The rules shall be~~  
16 ~~consistent with the federal requirements for~~  
17 ~~additional credit allowance in section 3303 of the~~  
18 ~~federal Internal Revenue Code and consistent with this~~  
19 ~~chapter;~~

20 ~~-(7)]~~ (6) Whenever there is an amendment to this chapter  
21 which, if immediately effective, would change an



1 employer's rate of contributions, the rate of the  
2 employer shall be changed in accordance with the  
3 amendment and the new rate shall apply for the  
4 remainder of the calendar year beginning with the  
5 calendar quarter immediately following the effective  
6 date of the amendment providing for the change, unless  
7 otherwise provided by the amendment;

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

12 ~~[(9)]~~ (8) For the purposes of this section, the terms  
13 "employing unit", "employer", "predecessor", and  
14 "successor" shall include both the singular and the  
15 plural of each term. Nothing in this section shall  
16 prevent two or more successor employing units, which  
17 each succeed to or acquire a clearly identifiable and  
18 segregable portion of a predecessor employing unit,  
19 from gaining the benefit of the clearly identifiable  
20 and segregable portion of the predecessor's experience  
21 record;



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

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

11 "(a) An individual filing a new claim for unemployment  
12 compensation shall, at the time of filing the claim, be advised  
13 that:

- 14 (1) Unemployment compensation is subject to federal and  
15 state income tax;
- 16 (2) Requirements exist pertaining to estimated tax  
17 payments;
- 18 (3) The individual may elect to have federal income tax  
19 deducted and withheld from the individual's payment of  
20 unemployment compensation at the amount specified in  
21 the federal Internal Revenue Code;



1       (4) The individual may elect to have state income tax  
2       deducted and withheld from the individual's payment of  
3       unemployment compensation at the amount specified in  
4       section 235-69;

5       (5) The individual may elect to have state and local  
6       income taxes deducted and withheld from the  
7       individual's payment of unemployment compensation for  
8       other states and localities outside this State at the  
9       percentage established by the state or locality, if  
10      the department by agreement with the other state or  
11      locality is authorized to deduct and withhold income  
12      tax; and

13      (6) The individual shall be permitted to change a  
14      previously elected withholding status [~~no more than~~  
15      ~~one~~] during a benefit year."

16      SECTION 7. Section 383-12, Hawaii Revised Statutes, is  
17      repealed.

18      ~~["§383-12] Requirement to post work availability online.~~  
19      ~~To meet the online registration for work requirements under~~  
20      ~~section 383-29(a), the department shall:~~



- 1       ~~(1) Allow an individual to post the required information~~  
2           ~~independently on the department's internet job-~~  
3           ~~matching system; or~~
- 4       ~~(2) Accept information provided by the individual in the~~  
5           ~~form prescribed by the department, and enter the~~  
6           ~~necessary information on the department's internet~~  
7           ~~job-matching system for the individual.~~

8       ~~The employment office shall provide the necessary~~  
9       ~~information to the unemployment office for the purpose of~~  
10       ~~determining whether the individual's registration for work~~  
11       ~~requirements have been met." ]~~

12       SECTION 8. Statutory material to be repealed is bracketed  
13       and stricken. New statutory material is underscored.

14       SECTION 9. This Act shall take effect on July 1, 3000;  
15       provided that sections 3 and 4 shall take effect upon April 1,  
16       2027.



**Report Title:**

Employment Security; Unemployment Benefits; Unemployment Claims;  
Electronic Notification

**Description:**

Repeals the requirement to post work availability online.  
Amends the qualifications for unemployed individuals who are  
able to receive certain unemployment benefits. Beginning  
4/1/2027, permits electronic notification of determinations or  
redeterminations of unemployment claims. Removes language that  
limited an individual's ability to change a previously elected  
withholding status only once during a benefit year. 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.*

