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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 383-1, 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 such 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 being referred to  
20 jobs through the labor union job placement  
21 service; provided that the labor union agrees to



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

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

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

16 (F) Other types of cases or situations [~~with respect~~  
17 ~~to which it~~] in which the department finds that  
18 compliance with those requirements would be  
19 oppressive, or would be inconsistent with the  
20 purpose of this chapter; [~~provided that no rule~~  
21 ~~shall conflict with section 383-21;~~



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

12 (4) The individual has been unemployed for a waiting  
13 period of one week within the individual's benefit  
14 year~~[. — No]~~; provided that no week shall be counted as  
15 a waiting period~~[+~~  
16 ~~(A) — If]~~ if benefits have been paid with respect  
17 thereto~~[+~~  
18 ~~(B) — Unless]~~ unless the individual was eligible for  
19 benefits with respect thereto as provided in this  
20 section and section 383-30, except for the  
21 requirements of this paragraph;



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

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

~~(i) Which were not employment, as defined in  
section 383-2, or pursuant to an election  
under section 383-77 prior to January 1,  
1978, at any time during the one-year period  
ending December 31, 1975; and  
(ii) Which are agricultural labor, as defined in  
section 383-9 except service excluded under  
section [383-7(a)(1)], or are domestic~~



1 ~~service except service excluded under~~  
2 ~~section [383-7(a)(2)]; except to the extent~~  
3 ~~that assistance under title II of the~~  
4 ~~Emergency Jobs and Unemployment Assistance~~  
5 ~~Act of 1974 was paid on the basis of those~~  
6 ~~services;~~

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



1 wages were paid in an amount equal to at least five  
2 times the weekly benefit amount established for that  
3 individual in the succeeding benefit year.

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

13 Effective for benefit years beginning January 1,  
14 2004, and thereafter, if an individual fails to  
15 establish a valid claim for unemployment insurance  
16 benefits under this paragraph, the department shall  
17 make a redetermination of entitlement based upon the  
18 alternative base period, as defined in section 383-1;  
19 provided further that the individual shall satisfy the  
20 conditions of [~~section 383-29(a)(5)~~] this paragraph  
21 that apply to claims filed using the base period, as





1 defined in section 383-1, and the establishment of  
2 claims using the alternative base period shall be  
3 subject to the terms and conditions of sections 383-33  
4 and 383-94; and

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

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

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

18 "(e) Notwithstanding any provisions of this chapter to the  
19 contrary, a claimant shall not be denied benefits because of the  
20 claimant's regular attendance at a vocational training or  
21 retraining course which the director has approved and continues



1 from time to time to approve for the claimant. The director may  
2 approve such course for a claimant only if:

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

8 (2) All of the following conditions apply:

9 (A) Reasonable employment opportunities for which the  
10 claimant is fitted by training and experience do  
11 not exist in the locality or are severely  
12 curtailed;

13 (B) The training course relates to an occupation or  
14 skill for which there are, or are expected to be  
15 in the immediate future, reasonable employment  
16 opportunities in the locality;

17 (C) The training course is offered by a competent and  
18 reliable agency; and

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



1 SECTION 3. Section 383-29.8, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) An individual shall be exempted from the work search  
4 requirements as determined by rules of the department, or be  
5 subject to modified work search requirements as authorized by  
6 the department if the individual is waived from the registration  
7 for work requirements [~~as defined in section 383-1.~~] under  
8 section 383-29(a)."

9 SECTION 4. Section 383-36, Hawaii Revised Statutes, is  
10 amended to read as follows:

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



1 application of section 383-30 shall be given to the last  
2 employing unit by whom the claimant was employed, in every case  
3 by ~~[delivery thereof to such party or]~~ electronic notification  
4 unless an election was made to receive notices by mail, and in  
5 such case, by mailing the notice to the party's last known  
6 address. The date of electronic notification shall be  
7 equivalent to the mailing date."

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

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

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



1 claimant or party. The department may for good cause extend the  
2 period within which an appeal may be filed to thirty days. The  
3 notice of a determination or redetermination shall be final and  
4 shall be binding upon each party unless an appeal is filed by a  
5 party pursuant to this subsection. Written notice of a hearing  
6 of an appeal shall be sent by first class, nonregistered,  
7 noncertified mail to the claimant's or party's last known  
8 address at least twelve days [~~prior to~~] before the initial  
9 hearing date[~~-~~] or by electronic notification.

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



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

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

19 "(d) If a claimant or party does not receive the written  
20 notice under subsection (a), a second written notice shall be



1 sent by certified mail[7] or by electronic notification, and the  
2 hearing on the appeal shall be rescheduled accordingly.

3 (e) ~~[Upon application to, and approval by, the employment~~  
4 ~~security appeals referee's office, a claimant or party to an~~  
5 ~~appeal may elect to receive hearing notices, decisions, and~~  
6 ~~other appeal documents from the referee's office in electronic~~  
7 ~~format in lieu of notice by mail. The date of electronic~~  
8 ~~transmission is equivalent to the mailing date for purposes of~~  
9 ~~this section.]~~ A claimant or party shall receive hearing

10 notices, decisions, and other appeal documents from the  
11 referee's office by electronic notification, unless an election  
12 was made to receive notices, decisions, and other appeal  
13 documents from the referee's office by mail, and in such case,  
14 the notices, decisions, and other appeal documents shall be  
15 mailed to the claimant's or party's last known address. The  
16 date of electronic notification shall be equivalent to the  
17 mailing date. Electronic notification status may be rescinded  
18 at any time by the referee's office, claimant, or any party upon  
19 written notification."

20 SECTION 6. Section 383-66, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1       "(a) The department, for the nine-month period April 1,  
2 1941, to December 31, 1941, and for each calendar year  
3 thereafter, except as otherwise provided in this part, shall  
4 classify employers in accordance with their actual experience in  
5 the payment of contributions and with respect to benefits  
6 charged against their accounts with a view to fixing the  
7 contribution rates to reflect this experience. The department  
8 shall determine the contribution rate of each employer in  
9 accordance with the following requirements:

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

16       (2) No employer's rate for the calendar year 1942 and for  
17 any calendar year thereafter shall be other than the  
18 maximum rate unless and until the employer's account  
19 has been chargeable with benefits throughout the  
20 thirty-six consecutive calendar month period ending on  
21 December 31 of the preceding calendar year, except





1           that, for the calendar year 1956 and for each calendar  
2           year thereafter, an employer who has not been subject  
3           to the law for a sufficient period to meet this  
4           requirement may qualify for a rate other than the  
5           maximum rate if the employer's account has been  
6           chargeable throughout a lesser period but in no event  
7           less than the twelve consecutive calendar month period  
8           ending on December 31 of the preceding calendar year.  
9           For the calendar years 1985 through 1991, the  
10          contribution rate for a new or newly covered employer  
11          shall be the sum of the employer's basic contribution  
12          rate of three and six-tenths per cent and the fund  
13          solvency contribution rate determined for that year  
14          pursuant to section 383-68(a), until the employer's  
15          account has been chargeable with benefits throughout  
16          the twelve consecutive calendar month period ending on  
17          December 31 of the preceding calendar year; except  
18          that no employer's contribution rate shall be greater  
19          than five and four-tenths per cent and no employer  
20          with a negative reserve ratio shall have a  
21          contribution rate less than the employer's basic



1 contribution rate. For calendar years 1992 and  
2 thereafter, the contribution rate for a new or newly  
3 covered employer shall be the contribution rate  
4 assigned to any employer with .0000 reserve ratio,  
5 until the employer's account has been chargeable with  
6 benefits throughout the twelve consecutive calendar  
7 month period ending on December 31 of the preceding  
8 calendar year;

9 (3) Any amount credited to this State under section 903 of  
10 the Social Security Act[7] of 1935, as amended, which  
11 has been appropriated for expenses of administration,  
12 whether or not withdrawn from the trust fund, shall be  
13 excluded from the fund for the purposes of this  
14 paragraph. Any advance that may be made to this State  
15 under section 1201 of the Social Security Act[7] of  
16 1935, whether or not withdrawn from this trust fund,  
17 shall be excluded from the fund for the purposes of  
18 this paragraph. No employer's rate shall be reduced  
19 in any amount that is not allowable as an additional  
20 credit, against the tax levied by the [~~federal~~]  
21 Unemployment Tax Act pursuant to section 3302(b) of



1 the federal Internal Revenue Code of 1986, as amended,  
2 or pursuant to any other federal statute, successor to  
3 section 3302(b), which provides for the additional  
4 credit now provided for in section 3302(b);

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



1 files all reports as required by the department and  
2 submits a written request for redetermination before  
3 December 31 of the year for which the contribution  
4 rate is to be fixed;

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



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



1 computation purposes of the predecessor shall  
2 thereupon be deemed the experience record of the  
3 successor and the experience record shall be  
4 transferred by the department to the successor  
5 employing unit and shall become the separate account  
6 of the employing unit as of the date of the  
7 acquisition. Benefits chargeable to the predecessor  
8 employer or successor employer in case of an  
9 acquisition of a clearly identifiable and segregable  
10 portion of the organization, trade, or business, after  
11 the date of acquisition on account of employment  
12 [~~prior to~~] before the date of the acquisition shall be  
13 charged to the separate account of the successor  
14 employing unit. In case of an acquisition of a  
15 clearly identifiable and segregable portion of the  
16 organization, trade, or business, the experience  
17 record that inures to the benefit of the successor  
18 employer shall be determined as follows:

- 19 (A) Wages, as used in section 383-61, attributable to  
20 the clearly identifiable and segregable portion  
21 shall be for the period beginning with the most



1 recent three consecutive calendar years  
2 immediately preceding the determination of rates  
3 under sections 383-63 to 383-69 and through the  
4 date of acquisition; and

5 (B) Reserve balance attributable to the clearly  
6 identifiable and segregable portion shall be the  
7 amount determined by dividing the wages, as used  
8 in section 383-61, of the clearly identifiable  
9 and segregable portion in the three calendar  
10 years (or that lesser period as the clearly  
11 identifiable and segregable portion may have been  
12 in operation) immediately preceding the  
13 computation date of the rating period [~~prior to~~  
14 before which the acquisition occurred by the  
15 total taxable payrolls of the predecessor for the  
16 three-year period (or that lesser period as the  
17 clearly identifiable and segregable portion may  
18 have been in operation) and multiplying the  
19 quotient by the reserve balance of the  
20 predecessor employer calculated as of the  
21 acquisition date;



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





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

17 ~~[(6) The department may prescribe rules for the~~  
18 ~~establishment, maintenance, and dissolution of joint~~  
19 ~~accounts by two or more employers, and, in accordance~~  
20 ~~with the rules and upon application by two or more~~  
21 ~~employers to establish such an account, or to merge~~



1 ~~their several individual accounts in a joint account,~~  
2 ~~shall maintain the joint account as if it constituted~~  
3 ~~a single employer's account. The rules shall be~~  
4 ~~consistent with the federal requirements for~~  
5 ~~additional credit allowance in section 3303 of the~~  
6 ~~federal Internal Revenue Code and consistent with this~~  
7 ~~chapter;~~

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

17 ~~[(8)]~~ (7) For the purposes of this section, "contribution  
18 rate" shall mean the basic contribution rate as  
19 defined in section 383-68 when applied to calendar  
20 year 1978 or any calendar year thereafter; and



1       ~~[(+9)]~~ (8) For the purposes of this section, the terms  
2           "employing unit", "employer", "predecessor", and  
3           "successor" shall include both the singular and the  
4           plural of each term. Nothing in this section shall  
5           prevent two or more successor employing units, which  
6           each succeed to or acquire a clearly identifiable and  
7           segregable portion of a predecessor employing unit,  
8           from gaining the benefit of the clearly identifiable  
9           and segregable portion of the predecessor's experience  
10          record;

11       provided that the terms of this section are complied with,  
12       nothing herein shall bar a predecessor employer from waiving the  
13       rights to all or the clearly identifiable and segregable portion  
14       of the predecessor's prior experience record in favor of a  
15       successor employer where the successor acquired a clearly  
16       identifiable and segregable portion of the predecessor's  
17       organization, trade, or business after December 31, 1988 and  
18       ~~[prior to]~~ before December 31, 1992."

19       SECTION 7. Section 383-163.6, Hawaii Revised Statutes, is  
20       amended by amending subsection (a) to read as follows:



1       "(a) An individual filing a new claim for unemployment  
2 compensation shall, at the time of filing the claim, be advised  
3 that:

4       (1) Unemployment compensation is subject to federal and  
5 state income tax;

6       (2) Requirements exist pertaining to estimated tax  
7 payments;

8       (3) The individual may elect to have federal income tax  
9 deducted and withheld from the individual's payment of  
10 unemployment compensation at the amount specified in  
11 the [~~federal~~] Internal Revenue Code[~~+~~] of 1986, as  
12 amended;

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

17       (5) The individual may elect to have state and local  
18 income taxes deducted and withheld from the  
19 individual's payment of unemployment compensation for  
20 other states and localities outside [~~this~~] the State  
21 at the percentage established by the state or



1           locality, if the department by agreement with the  
2           other state or locality is authorized to deduct and  
3           withhold income tax; and

4           (6) The individual shall be permitted to change a  
5           previously elected withholding status [~~no more than~~  
6           ~~once~~] during a benefit year."

7           SECTION 8. Section 383-12, Hawaii Revised Statutes, is  
8   repealed.

9           ~~["§383-12] Requirement to post work availability online.~~  
10   ~~To meet the online registration for work requirements under~~  
11   ~~section 383-29(a), the department shall:~~

- 12       ~~(1) Allow an individual to post the required information~~  
13       ~~independently on the department's internet job~~  
14       ~~matching system; or~~  
15       ~~(2) Accept information provided by the individual in the~~  
16       ~~form prescribed by the department, and enter the~~  
17       ~~necessary information on the department's internet~~  
18       ~~job matching system for the individual.~~

19       ~~The employment office shall provide the necessary~~  
20   ~~information to the unemployment office for the purpose of~~



1 ~~determining whether the individual's registration for work~~  
2 ~~requirements have been met." ]~~

3 SECTION 9. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 10. This Act shall take effect on July 1, 2025;  
6 provided that sections 4 and 5 shall take effect upon April 1,  
7 2027.



**Report Title:**

Hawaii Employment Security Law; Unemployment Benefits;  
Unemployment Claims; Registration for Work; Electronic  
Notification

**Description:**

Amends the definition of "registered for work" or "registration for work" under the Hawaii Employment Security Law. 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. Repeals language that limited an individual's ability to change a previously elected withholding status to once during a benefit year. (SD2)

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

