

---

# 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 repealing the definition of "registered for work" or  
3 "registration for work".

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 to facilitate work search efforts by~~  
11 ~~the individual and increase job referrals by the employment~~  
12 ~~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 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 provided further that the labor union is approved  
5 by the 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 that 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 but not to  
14 exceed four consecutive weeks of unemployment  
15 immediately following the week the individual was  
16 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~~



~~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 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



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, Public Law  
11 113-128; 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 may file  
10 an appeal from the determination or redetermination at the  
11 office of the department in the county in which the claimant  
12 resides or in the county in which the claimant was last  
13 employed, or with a copy of the contested determination at the  
14 employment security appeals referee's office, within ten days  
15 after the date of mailing of the notice to the claimant's or  
16 party's last known address, or if the notice is not mailed,  
17 within ten days after the date of [~~delivery~~] the electronic  
18 notification of the notice to the claimant or party. The  
19 department may for good cause extend the period within which an  
20 appeal may be filed to thirty days. The notice of a  
21 determination or redetermination shall be final and shall be



1 binding upon each party unless an appeal is filed by a party  
2 pursuant to this subsection. Written notice of a hearing of an  
3 appeal shall be sent by electronic notification or by first  
4 class, nonregistered, noncertified mail to the claimant's or  
5 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 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 383-163.6, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

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



- 1           (1) Unemployment compensation is subject to federal and  
2           state income tax;
- 3           (2) Requirements exist pertaining to estimated tax  
4           payments;
- 5           (3) The individual may elect to have federal income tax  
6           deducted and withheld from the individual's payment of  
7           unemployment compensation at the amount specified in  
8           the federal Internal Revenue Code;
- 9           (4) The individual may elect to have state income tax  
10          deducted and withheld from the individual's payment of  
11          unemployment compensation at the amount specified in  
12          section 235-69;
- 13          (5) The individual may elect to have state and local  
14          income taxes deducted and withheld from the  
15          individual's payment of unemployment compensation for  
16          other states and localities outside this State at the  
17          percentage established by the state or locality, if  
18          the department by agreement with the other state or  
19          locality is authorized to deduct and withhold income  
20          tax; and





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

SECTION 6. Section 383-12, Hawaii Revised Statutes, is repealed.

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

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

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

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

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



**1** SECTION 8. This Act shall take effect on July 1, 2050.



**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. Repeals 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. Effective 7/1/2050. (SD2)

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

