

ACT 174

An Act Amending Chapter 93, Revised Laws of Hawaii 1955, as Amended, Relating to Employment Security.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 93-64, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"Sec. 93-64. Charges and noncharges for benefits. (a) Except as otherwise provided in this section, benefits paid to an individual shall be charged against the accounts of his base period employers and the amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual by such employer bear to the total amount of base period wages paid to the individual

by all of his base period employers. Benefits paid in benefit years beginning after June 30, 1963 shall be charged to employers' accounts in the calendar year in which such benefits are paid.

(b) Benefits, as hereinafter provided in this subsection, paid to an individual during the benefit year shall not be charged to the account of any of his base period employer from whose employment such individual became separated during the base period or the three-month period immediately preceding such benefit year under one of the following circumstances: (1) left his work voluntarily without good cause, or (2) was discharged for misconduct connected with his work, or (3) left his work voluntarily for good cause not attributable to the employer. Such nonchargeable benefits shall be an amount which shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual during any continuous period of employment ending with a separation in such base period or three-month period under circumstances (1), (2) or (3) enumerated above bear to the total amount of base period wages paid to the individual.

(c) Benefits paid to an individual, who, during his base period, earned wages for part-time employment with an employer, shall not be charged to the account of such employer if he continues to give the individual employment to the same extent while he is receiving benefits as during the base period and the employer establishes such fact to the satisfaction of the director."

SECTION 2. Chapter 93, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section, to be designated section 93-78, and to read as follows:

"Sec. 93-78. Combining agricultural labor performed for predecessor and successor employing units. If any employing unit succeeds to or acquires the organization or business of another, the number of employees who performed agricultural labor and the number of weeks during which such agricultural labor was performed for the predecessor and the successor shall be combined for the purpose of determining whether any agricultural labor is subject to this chapter."

SECTION 3. Subsection (o) of section 93-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"(o) 'State' includes, in addition to the states of the United States, District of Columbia and Puerto Rico."

SECTION 4. Section 93-28, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding the following at the end thereof:

"Notwithstanding any provisions of this chapter to the contrary, a claimant shall not be denied benefits because of his regular attendance at a vocational training or retraining course which the director has approved and continues from time to time to approve for the claimant. The director may approve such course for a claimant only if (a) reasonable employment opportunities for which the claimant is fitted by training and experience do not exist in the locality or are severely curtailed; (b) the training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the locality; (c) the training course is offered by

a competent and reliable agency; and (d) the claimant has the required qualifications and aptitudes to complete the course successfully.”

SECTION 5. Subsection (d) of section 93-97, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the first two sentences thereof and substituting therefor the following:

“In accordance with the provisions of paragraph (b) of section 93-90, the director may appoint one or more substitute referees to serve (1) during any temporary absence of the referee from his duties, (2) in the event the referee is disqualified to hear any appeal, (3) in the event of vacancy in the office of referee, or (4) if, for any reason, the director finds that the services of substitute referees are necessary for prompt and expeditious handling of appeals.”

and is further amended by deleting the figure “20” appearing in the third sentence thereof and substituting therefor the figure “40”.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 3, 1963.) **S.B. 553.**
