

A Bill for an Act Relating to Additional Unemployment Compensation Benefits.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 385-1, Hawaii Revised Statutes, is amended to read:

**“Section 385-1. Additional unemployment compensation benefits; payable when.** The additional unemployment benefits provided for in this chapter shall be authorized when a disaster, either natural or manmade has struck the State, or any county thereof causing damage to a substantial number of persons and families so as to require assistance from the State, and an unemployable problem has been created thereby.

Upon the occurrence of said disaster, the governor may provide additional unemployment benefits in the appropriate county or counties as provided for in this chapter. The additional benefits shall be operative upon the issuance by the governor of a proclamation specifically invoking this chapter and identifying the county or counties which have been affected and in which provision for additional unemployment benefits shall be made operative.”

SECTION 2. Section 385-4, Hawaii Revised Statutes, is amended to read:

**“Section 385-4. Weekly benefit amount.** A claimant’s weekly benefit amount under this chapter shall be the same as his weekly normal benefit amount payable during his current benefit year if he has an unexpired benefit year, or his most recent benefit year less that part of wages (if any) payable to him with respect to such week which is in excess of \$2; provided that if the claimant was self-employed during the week in which the disaster identified by the governor in the proclamation provided for in section 385-1 occurred, or he was employed during such week but his total earned wages are insufficient to entitle him to normal benefits, then his weekly benefit amount shall be the average weekly benefit payable at that time less that part of wages (if any) payable to him with respect to such week which is in excess of \$2.”

SECTION 3. Section 385-6, Hawaii Revised Statutes, is amended to read:

**“Section 385-6. Requirements for eligibility.** An unemployed claimant is eligible to receive additional unemployment benefits with respect to any week only if the director of labor and industrial relations finds that:

- (1) He has made a claim for additional unemployment benefits with respect to such week in accordance with the regulations as the director may prescribe with respect to claims for normal benefits;
- (2) He meets the eligibility requirements of paragraphs (2) and (3) of section 383-29, or chapter 384;
- (3) He is not subject to disqualification and is not under disqualification for normal benefits under section 383-30;

- (4) He is not entitled to receive unemployment compensation benefits under any state or federal unemployment compensation laws for the week in which he claims for additional unemployment benefits.
- (5) He is not entitled to receive disaster benefits under any state or federal law for the week in which he claims additional unemployment benefits.”

SECTION 4. Section 385-7, Hawaii Revised Statutes, is amended to read:

**“Section 385-7. Disqualification for additional unemployment benefits.**

A claimant shall be disqualified for additional unemployment benefits:

- (1) Voluntary separation. For any week in which he has left his work voluntarily without good cause and for not more than seven consecutive weeks of unemployment which immediately follows such week, as determined according to the circumstances in each case.
- (2) Discharge for misconduct. For the week in which he has been discharged for misconduct connected with his work and for not more than seven consecutive weeks of unemployment which immediately follow such week, as determined in each case in accordance with the seriousness of the misconduct.
- (3) Failure to apply for work, etc. If he has failed, without good cause, either to apply for available, suitable work when so directed by the director of labor and industrial relations or any duly authorized representative of the director, or to accept suitable work when offered him. The disqualification shall continue for the week in which such failure occurred and for not more than seven consecutive weeks of unemployment which immediately follow such week, as determined according to the circumstances of each case.

(A) In determining whether or not any work is suitable for a claimant there shall be considered among other factors and in addition to those enumerated in subparagraph (B) of this paragraph, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, the length of his unemployment, his prospects for obtaining work in his customary occupation, and the distance of available work from his residence and prospects for obtaining local work.

- (B) No work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible claimant for refusing to accept new work under any of the following conditions:
- (i) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;
  - (ii) If the wages, hours, or other conditions of the work offered are substantially less favorable to the claimant than those prevailing for similar work in the locality;
  - (iii) If as a condition of being employed the claimant would

be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

- (4) Labor dispute. For any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishments, or other premises at which he is or was last employed; provided that this paragraph shall not apply if it is shown that:
- (A) He is not participating in or directly interested in the labor dispute which caused the stoppage of work; and
  - (B) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute;

provided that, if in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purpose of this paragraph be deemed to be a separate factory, establishment, or other premises.

- (5) Fraud. If the director finds that he has made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain any additional unemployment benefits under this chapter, in which case he shall be disqualified for the week in which the director makes such determination and for the remainder of the weeks for which he would otherwise be eligible.
- (6) Pregnancy. Within four months prior to the anticipated date of such claimant's giving birth to a child and two months after childbirth."

SECTION 5. Section 385-11(a), Hawaii Revised Statutes, is amended to read:

"(a) Any person who makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false or who knowingly fails, or causes another to fail, to disclose a material fact, and as a result thereof has received any amount as benefits under this chapter to which he was not entitled shall be liable for such amount. Notice of redetermination in such cases shall specify that the person is liable to repay to the fund the amount of additional unemployment benefits paid to him by reason of such nondisclosure or misrepresentation, and the week or weeks for which the benefits were paid."

SECTION 6. Section 385-15, Hawaii Revised Statutes, is amended to read:

"**Section 385-15. Nonliability of State.** Additional unemployment benefits shall be deemed to be due and payable under this chapter only to the extent provided in this chapter, subject to amendment or repeal thereof, and to the extent that moneys are available therefor to the credit of the additional unemployment compensation fund."

SECTION 7. Section 385-16, Hawaii Revised Statutes, is amended to read:

**“Section 385-16. Period of benefit payments; issuance of further proclamations.** Where the additional benefits provided by this chapter are made payable by the governor’s proclamation after the occurrence of a disaster, the benefits shall be payable only for a period of one year after the effective date of the proclamation.

Nothing herein shall prevent the governor from issuing further proclamations invoking this chapter in the event other disasters occur.”

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 16, 1972.)

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\*Edited accordingly.