

ACT 171

S.B. NO. 1568

A Bill for an Act Relating to Unemployment Insurance.

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

SECTION 1. Chapter 383, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§383- Part-time work; benefits available. Notwithstanding any law to the contrary under this chapter, an individual shall not be denied regular unemployment benefits relating to availability for work, active search for work, or refusal to accept work, solely because the individual is seeking only part-time work; provided that this section shall not apply if a majority of the weeks of work in the individual’s base period does not include part-time work.

§383- Separation for compelling family reason. (a) An individual shall not be disqualified from regular unemployment benefits for separating from employment if that separation is for a compelling family reason.

For purposes of this section, the term “compelling family reason” means any of the following:

- (1) Domestic or sexual violence that is verified by reasonable and confidential documentation that causes the individual to reasonably believe that the individual’s continued employment may jeopardize the safety of the individual or any member of the individual’s immediate family (as defined by the United States Secretary of Labor), including any of the following circumstances:
 - (A) The individual has a reasonable fear of the occurrence of future domestic or sexual violence at, en route to, or en route from the individual’s place of employment, including being a victim of stalking;

- (B) The anxiety of the individual to relocate to avoid future domestic or sexual violence against the individual or the individual's minor child prevents the individual from reporting to work;
 - (C) The need of the individual or the individual's minor child to obtain treatment to recover from the physical or psychological effects of domestic or sexual violence prevents the individual from reporting to work;
 - (D) The employer's refusal to grant the individual's request for leave to address domestic or sexual violence and its effects on the individual or the individual's minor child, including leave authorized by Section 102 of the Federal Family and Medical Leave Act of 1993, Public Law 103-3, as amended, or other federal, state, or county law; or
 - (E) Any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual, the individual's minor child, or other individuals who may be present in the employer's workplace;
- (2) Illness or disability of a member of the individual's immediate family (as defined by the United States Secretary of Labor); or
- (3) The need for the individual to accompany the individual's spouse, because of a change in the location of the spouse's employment, to a place from which it is impractical for the individual to commute to work.
- (b) The department may request as reasonable and confidential documentation under subsection (a)(1) the following evidence:
- (1) A notarized written statement of the individual attesting to the status of the individual or the individual's minor child as a victim of domestic or sexual violence and explaining how continued employment creates an unreasonable risk of further violence;
 - (2) A signed written statement from:
 - (A) An employee, agent, or volunteer of a victim services organization;
 - (B) The individual's attorney or advocate;
 - (C) A minor child's attorney or advocate; or
 - (D) A medical or other professional from whom the individual or the individual's minor child has sought assistance related to the domestic or sexual violence,
 attesting to the domestic or sexual violence and explaining how the continued employment creates an unreasonable risk of further violence; or
 - (3) A police or court record suggesting or demonstrating that the continued employment may cause an unreasonable risk of further violence.
- (c) All information provided to the department pursuant to this section, including any statement of the individual or any other documentation, record, or corroborating evidence discussing or relating to domestic or sexual violence, and the fact that the individual has applied for, inquired about, or obtained unemployment compensation by reason of this section shall be retained in the strictest confidence by the individual's former or current employer, and shall not be disclosed except to the extent that disclosure is requested or consented to by the employee, ordered by a court or administrative agency, or otherwise required by applicable federal or state law.

(d) As used in this section, the terms “domestic or sexual violence,” “stalking,” and “victim services organization” shall have the same meaning as in section 378-71.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2009.

(Approved July 2, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.