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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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April 1, 2009

To: The Honorable Marcus R. Oshiro, Chair
and Members of the House Committee on Finance

Date: April 2, 2009
Time: 3:00 p.m.
Place: Conference Room 308, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

**Testimony in Strong Support
of
S.B. 1568 S.D.2 - Relating to Unemployment Insurance**

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. 1568 S.D. 2 proposes to amend Chapter 383, Hawaii Revised Statutes (HRS) to add new sections to extend unemployment benefits to individuals seeking part-time work and to workers separated from employment for a compelling family reason.

II. CURRENT LAW

Currently, there is no comparable section on part-time benefits or separation for compelling family reasons. Under section 12-5-47, Administrative Rules, Chapter 5, Title 12, good cause is provided if for leaving employment where there is a change in the individual's marital or domestic status.

III. SENATE/HOUSE BILL

The Department strongly supports this measure as it will insure conformity with provisions of the American Recovery and Reinvestment Act of 2009. By conforming to ARRA provisions, our State will qualify for over 20 million dollars in ARRA funds.

S.B. 1568 S.D. 2

April 1, 2009

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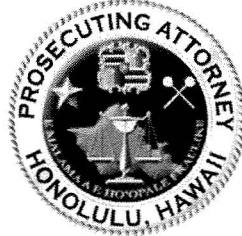
There will be no additional administrative costs in implementing this measure as the Department already allows for part-time and compelling family reasons, as set forth in our administrative rules.

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**THE HONORABLE MARCUS R. OSHIRO, CHAIR
THE HONORABLE MARILYN B. LEE, VICE CHAIR
HOUSE COMMITTEE ON FINANCE**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2009**

April 2, 2009

**RE: SENATE BILL 1568, S.D. 2; RELATING TO UNEMPLOYMENT
INSURANCE**

Good afternoon Chair Oshiro and Vice Chair Lee and members of the Finance Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of S.B. 1568, S.D. 2, with amendments**, which proposes, among other things, to insure eligibility for unemployment benefits for victims of domestic violence.

The purpose of S.B. 1568 is similar H.B. 332, H.D. 2, which this Committee previously passed. However, we believe that this measure, as currently drafted falls short of the objectives incorporated into H.B. 332, H.D. 2, which were to assure that victims of domestic violence and sexual assault who are forced to leave employment due to the effects of their victimization do not lose their eligibility for unemployment benefits and are not required to accept offers of employment that continue to place them in danger. Domestic abusers will frequently target their spouse or partner's ability to make a living as a means of furthering their agenda of complete control over the victim. This places domestic abuse victims at greater risk of loss of employment. Since financial security is often a key factor in forcing victims back to their abuser, we believe that it is critical that victims of domestic violence and sexual assault remain eligible for unemployment benefits. To allow otherwise would only reward abusers for their violent behavior and aid them in cutting off the victim's means of support.

We believe that the current draft is deficient in the following respects:

1. Only domestic violence victims and not stalking or sexual assault victims appear to be covered by the measure

2. The conditions for qualifying and documenting a victim of domestic violence, sexual assault, or stalking for this exception are not clear
3. There is no provision, as there is in HB 332, H.D. 2, to insure that these victims are not required to accept offers of employment that pose the same dangers as those causing the victim to leave their previous employment

Although it is our understanding that the Department of Labor has introduced this measure in a format necessary to qualify for the receipt of Federal Recovery Act funds, we are hopeful that amendments in line with our concerns referenced above can be incorporated into this bill with no ill effects.

For the reasons cited above, we request your support for S.B. 1568, S.D. 2, with the amendments that we have suggested above. Thank you for your time and consideration.

The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES
Committee on Finance
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

State Capitol, Conference Room 308
Thursday, April 2, 2009; 3:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1568, SD2
RELATING TO UNEMPLOYMENT INSURANCE**

The ILWU Local 142 supports S.B. 1568, SD2, which extends unemployment benefits to individuals seeking part-time work and to workers separated from employment for a compelling family reason.

Currently, UI rules specify that those receiving benefits must seek full-time work. Although part-time employment may be accepted, the worker must still fulfill his or her obligation to seek full-time employment.

S.B. 1568, SD2 will allow those who worked part-time for the majority of their base period to seek part-time employment. We think this is fair. Since the weekly unemployment benefit is calculated based on the worker's earnings during the base period, the benefit will reflect part-time earnings.

In these difficult economic times when jobs are scarce, we should encourage workers to take whatever employment they are offered and will suit their needs, even if it is part-time. In addition, a part-time job may lead to a full-time job. Allowing the unemployment insurance system to be more flexible will also benefit the Department by reducing the number of denials and appeals.

We also support extending unemployment insurance benefits to those with a "compelling family reason," especially those unable to work because of documented domestic violence. This bill will provide victims of domestic violence with options. However, the real issue is keeping perpetrators from continuing the violence, which is something for other measures to tackle.

The ILWU urges passage of S.B. 1568, SD2. Thank you for considering our testimony on this matter.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
April 2, 2009

S.B. 1568, S.D. 2 – RELATING TO
UNEMPLOYMENT INSURANCE

The Hawaii Government Employees Association supports the purpose and intent of S.B. 1568, S.D. 2, which extends unemployment benefits to individuals seeking part-time work and to workers separated from employment for a compelling family reason.

The intent of the measure, which is to provide unemployment benefits to an unemployed part-time worker seeking part-time work, is fair. Further, extending coverage to workers who separate from employment due to difficult family situations such as domestic violence, serious family illness or disability, or a spouse's job relocation, is pro-worker and pro-family. The bill will benefit our community as a whole.

Thank you for the opportunity to testify in support of S.B. 1568, S.D. 2.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

TO: COMMITTEE ON FINANCE
Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair

FROM: Eudice R. Schick
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: SB1568, SD2 (HSCR 1259)

HEARING: Thursday, April 2, 2009 3:00 p.m. room 308

POSITION: Support of SB1568, SD2 (HSCR 1259)

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed Board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board.

This bill, in part, supports the family care giver by allowing the care giver to collect unemployment should he or she need time off from their employment to care for a family member. It follows the same thinking of the Family Care Leave bills that we are hoping will also have your support. Care givers are becoming more and more an integral part of our work force. The work force needs them and they need the support of the employer by allowing them to have benefits that help them in a time of unexpected need.

Your support of SB1568, SD 2 (HSCR 1259) is indeed support for our community, both caregivers and their families.

Eudice R. Schick, Chair PABEA Legislative Committee

hscadv HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Chair Representative Marcus Oshiro, Vice Chair Representative Marilyn Lee and members of the Committee on Finance

From: Ana Maring, Lead Domestic Violence Educator

Re: SB1568 SD2 Relating to Unemployment Insurance

Hearing Date and Time: Thursday, April 2, 2009

Aloha, my name is Ana Maring and I represent the Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV strongly supports the intent of SB1568 SD2. Having an independent source of income is key for victims of domestic violence as they attempt to escape an abusive relationship. If a woman is no longer employed as a result of domestic violence she may become more dependent on her batterer or have to return to an abusive situation just to make ends meet. Unemployment benefits create a financial safety net as victims address their safety needs.

HSCADV requests that the definition for domestic violence included in the bill rather than referencing the United States Secretary of Labor's (DOL) definition. The definition was not locatable on the DOL's website. If the definition is in the administrative rules rather than in statute the definition may change with a new administration and have unintended consequences for this statute.

Additionally, for safety reasons we would like to see the language from HB331 HD2 "*an individual who is a victim of domestic or sexual violence shall have good cause for not accepting otherwise suitable, available work if the individual reasonably believes that the employment will subject the individual, the individual's minor child, or other individuals in the workplace to an unreasonable risk of violence, despite the individual having sought appropriate assistance in responding to the domestic or sexual violence, including reporting the violence to the police, obtaining services from a victim services organization, or taking other appropriate legal action.*" included in this bill.

Thank you for your consideration of our testimony.

~ Together we can do amazing things ~

hscadv
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

~ Together we can do amazing things ~

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