
A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 383, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART

5 **WORK SHARING PROGRAM**

6 **§383-A Shared work program; authority.** There shall be
7 established within the department a voluntary work share
8 program. Notwithstanding any provision of this chapter, for the
9 purposes of this part, an individual is "unemployed" in any week
10 if the individual works less than their normal weekly hours of
11 work for the individual's regular employer, and the director
12 finds that the regular employer has reduced or restricted the
13 individual's normal hours of work, or has rehired an individual
14 previously laid off and reduced that individual's normal hours
15 of work from those previously worked, as the result of a plan by
16 the regular employer to, in lieu of a layoff, reduced employment
17 and stabilize the workforce by a program of sharing the work
18 remaining after a reduction in total hours of work and a



1 corresponding reduction in wages of at least 10 per cent, but in
2 no case greater than 50 per cent.

3 **§383-B Definitions.** As used in this part:

4 "Normal weekly hours" shall mean the number of hours in a
5 week that the employee normally would work for the regular
6 employer or forty hours, whichever is less.

7 "Regular employer" shall have the same meaning as
8 "employer" and may also include, pursuant to an approved plan, a
9 labor organization which periodically employs individuals in
10 accordance with a collective bargaining agreement.

11 **§383-C Plan; approvals and requirements.** (a) An
12 application for approval of a plan under this part shall require
13 the employer to briefly describe the circumstances requiring the
14 use of work sharing to avoid layoffs.

15 (b) The plan must involve the participation of at least
16 two employees, and include not less than ten per cent of the
17 employer's regular permanent work force involved in the affected
18 employing unit in each week, or in at least one week of a two
19 consecutive week period.

20 (c) A plan approved by the director shall expire within
21 one year after the effective date of the plan.



1 §383-D Benefit payable; minimum amount. (a) Except as
2 otherwise provided in this part, each individual eligible under
3 this chapter who is unemployed in any week shall be paid, with
4 respect to that week, a weekly shared work unemployment
5 compensation benefit amount equal to the percentage of reduction
6 of the individual's wages resulting from an approved plan,
7 rounded to the nearest percentage point, multiplied by the
8 individual's weekly benefit amount.

9 (b) The benefit payable, if not a multiple of one dollar,
10 shall be increased to the next highest multiple of one dollar.

11 (c) If the benefit payable is not greater than ten
12 dollars, the department may withhold payment of the benefit
13 until such time as the accrued benefit payable under this part
14 is greater than ten dollars, but in no case shall the department
15 withhold payment for more than two weeks.

16 (d) Employees shall not be eligible to receive any
17 benefits under this part unless their employer agrees, in
18 writing, and their bargaining unit, if any, pursuant to any
19 applicable collective bargaining agreement agrees, in writing,
20 to voluntarily participate in the shared work unemployment
21 insurance benefit program created by this part.



1 **§383-E Prohibition against multiple benefit eligibility;**
2 **extended claim; offset.** (a) No individual who receives any
3 benefits under this part during any week shall be eligible for
4 any other benefit under this chapter while in employment status
5 with the regular employer who initiated the program of sharing
6 work under this part. No benefits under this part shall be
7 payable on any type of extended claim.

8 (b) Any amount payable under this part shall be reduced by
9 the amount of any and all compensation payable for personal
10 services, whether performed as an employee or an independent
11 contractor, or as a juror or as a witness, except compensation
12 payable by the regular employer under a shared work plan.

13 **§383-F Rulemaking; consistency with federal regulations.**

14 Except as otherwise provided or inconsistent with this
15 part, all provisions of this chapter and applicable rules apply
16 to this part. The department is authorized to promulgate rules
17 to effect the purposes of this part, and shall be consistent
18 with federal law.

19 **§383-G Miscellaneous.** (a) The department shall not be
20 required to notify an employer of additional claims which result
21 from an approved plan submitted by the employer under which
22 benefits are not paid in each week.



1 (b) The director may terminate a shared work plan for good
 2 cause if the plan is not being carried out according to its
 3 terms and intent."

4 SECTION 2. In codifying the new sections added by section
 5 1 of this Act, the revisor of statutes shall substitute
 6 appropriate section numbers for the letters used in designating
 7 the new sections in this Act.

8 SECTION 3. This Act shall take effect upon its approval.
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Report Title:

Employment Security

Description:

Establishes a voluntary work sharing program within the department of labor and industrial relations.

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