

JAN 20 2010

A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT INSURANCE.

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

1 SECTION 1. Section 383-7.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§383-7.6[+] **Separation for compelling family reason.**

4 (a) An individual shall not be disqualified from regular
5 unemployment benefits for separating from employment if that
6 separation is for a compelling family reason.

7 For purposes of this section, the term "compelling family
8 reason" means any of the following:

9 (1) Domestic or sexual violence that is verified by
10 reasonable and confidential documentation that causes
11 the individual to reasonably believe that the
12 individual's continued employment may jeopardize the
13 safety of the individual or any member of the
14 individual's immediate family (as defined by the
15 United States Secretary of Labor), including any of
16 the following circumstances:

17 (A) The individual has a reasonable fear of the
18 occurrence of future domestic or sexual violence



1 at, en route to, or en route from the
2 individual's place of employment, including being
3 a victim of stalking;

4 (B) The anxiety of the individual to relocate to
5 avoid future domestic or sexual violence against
6 the individual or the individual's minor child
7 prevents the individual from reporting to work;

8 (C) The need of the individual or the individual's
9 minor child to obtain treatment to recover from
10 the physical or psychological effects of domestic
11 or sexual violence prevents the individual from
12 reporting to work;

13 (D) The employer's refusal to grant the individual's
14 request for leave to address domestic or sexual
15 violence and its effects on the individual or the
16 individual's minor child, including leave
17 authorized by Section 102 of the Federal Family
18 and Medical Leave Act of 1993, Public Law 103-3,
19 as amended, or other federal, state, or county
20 law; or

21 (E) Any other circumstance in which domestic or
22 sexual violence causes the individual to



1 reasonably believe that separation from
2 employment is necessary for the future safety of
3 the individual, the individual's minor child, or
4 other individuals who may be present in the
5 employer's workplace;

6 (2) Illness or disability of a member of the individual's
7 immediate family (as defined by the United States
8 Secretary of Labor); or

9 (3) The need for the individual to accompany the
10 individual's spouse, because of a change in the
11 location of the spouse's employment, to a place from
12 which it is impractical for the individual to commute
13 to work.

14 (b) The department may request as reasonable and
15 confidential documentation under subsection (a)(1) the following
16 evidence:

17 (1) A notarized written statement of the individual
18 attesting to the status of the individual or the
19 individual's minor child as a victim of domestic or
20 sexual violence and explaining how continued
21 employment creates an unreasonable risk of further
22 violence;



- 1 (2) A signed written statement from:
 - 2 (A) An employee, agent, or volunteer of a victim
 - 3 services organization;
 - 4 (B) The individual's attorney or advocate;
 - 5 (C) A minor child's attorney or advocate; or
 - 6 (D) A medical or other professional from whom the
 - 7 individual or the individual's minor child has
 - 8 sought assistance related to the domestic or
 - 9 sexual violence,
 - 10 attesting to the domestic or sexual violence and
 - 11 explaining how the continued employment creates an
 - 12 unreasonable risk of further violence; or
- 13 (3) A police or court record suggesting or demonstrating
- 14 that the continued employment may cause an
- 15 unreasonable risk of further violence.
- 16 (c) All information provided to the department pursuant to
- 17 this section, including any statement of the individual or any
- 18 other documentation, record, or corroborating evidence
- 19 discussing or relating to domestic or sexual violence, and the
- 20 fact that the individual has applied for, inquired about, or
- 21 obtained unemployment compensation by reason of this section
- 22 shall be retained in the strictest confidence by the



1 individual's former or current employer, and shall not be
2 disclosed except to the extent that disclosure is requested or
3 consented to by the employee, ordered by a court or
4 administrative agency, or otherwise required by applicable
5 federal or state law.

6 (d) Notwithstanding any provision of this chapter to the
7 contrary, an individual who is a victim of domestic or sexual
8 violence shall have good cause for not accepting otherwise
9 suitable, available work if the individual reasonably believes
10 that the employment will subject the individual, the
11 individual's minor child, or other individuals in the workplace
12 to an unreasonable risk of violence, despite the individual
13 having sought appropriate assistance in responding to the
14 domestic or sexual violence, including reporting the violence to
15 the police, obtaining services from a victim services
16 organization, or taking other appropriate legal action.

17 (e) As used in this section, the terms "domestic or sexual
18 violence", "stalking", and "victim services organization" shall
19 have the same meaning as in section 378-71."

20 SECTION 2. New statutory material is underscored.



S.B. NO. 2166

1 SECTION 3. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

Will Eyo

Randy de Barb

Muhilel Kidani

Neta Kibret

Jim Brown Jr

J

Jim

W. Eyo



Report Title:

Unemployment Insurance

Description:

Makes fear of domestic or sexual violence a good cause for not accepting otherwise suitable, available work.

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