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# A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT INSURANCE BENEFITS.

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

1           SECTION 1. Section 383-30, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§383-30 Disqualification for benefits. (a) An  
4 individual shall be disqualified for benefits:

5           (1) Voluntary separation. For any week prior to  
6           October 1, 1989, in which the individual has left work  
7           voluntarily without good cause, and continuing until  
8           the individual has, subsequent to the week in which  
9           the voluntary separation occurred, been employed for  
10          at least five consecutive weeks of employment. For  
11          the purposes of this paragraph, "weeks of employment"  
12          means all those weeks within each of which the  
13          individual has performed services in employment for  
14          not less than two days or four hours per week, for one  
15          or more employers, whether or not such employers are  
16          subject to this chapter. For any week beginning on  
17          and after October 1, 1989, in which the individual has



1 left the individual's work voluntarily without good  
2 cause, and continuing until the individual has,  
3 subsequent to the week in which the voluntary  
4 separation occurred, been paid wages in covered  
5 employment equal to not less than five times the  
6 individual's weekly benefit amount as determined under  
7 section 383-22(b).

8 An owner-employee of a corporation who brings  
9 about the owner-employee's unemployment by divesting  
10 ownership, leasing the business interest, terminating  
11 the business, or by other similar actions where the  
12 owner-employee is the party initiating termination of  
13 the employment relationship, has voluntarily left  
14 employment [-];

- 15 (2) Discharge or suspension for misconduct. For any week  
16 prior to October 1, 1989, in which the individual has  
17 been discharged for misconduct connected with work,  
18 and continuing until the individual has, subsequent to  
19 the week in which the discharge occurred, been  
20 employed for at least five consecutive weeks of  
21 employment. For the week in which the individual has  
22 been suspended for misconduct connected with work and



1 for not less than one or more than four consecutive  
2 weeks of unemployment which immediately follow such  
3 week, as determined in each case in accordance with  
4 the seriousness of the misconduct. For the purposes  
5 of this paragraph, "weeks of employment" means all  
6 those weeks within each of which the individual has  
7 performed services in employment for not less than two  
8 days or four hours per week, for one or more  
9 employers, whether or not such employers are subject  
10 to this chapter. For any week beginning on and after  
11 October 1, 1989, in which the individual has been  
12 discharged for misconduct connected with work, and  
13 until the individual has, subsequent to the week in  
14 which the discharge occurred, been paid wages in  
15 covered employment equal to not less than five times  
16 the individual's weekly benefit amount as determined  
17 under section 383-22(b) [-] i

- 18 (3) Failure to apply for work, etc. For any week prior to  
19 October 1, 1989, in which the individual failed,  
20 without good cause, either to apply for available,  
21 suitable work when so directed by the employment  
22 office or any duly authorized representative of the



1 department of labor and industrial relations, or to  
2 accept suitable work when offered and continuing until  
3 the individual has, subsequent to the week in which  
4 the failure occurred, been employed for at least five  
5 consecutive weeks of employment. For the purposes of  
6 this paragraph, "weeks of employment" means all those  
7 weeks within each of which the individual has  
8 performed services in employment for not less than two  
9 days or four hours per week, for one or more  
10 employers, whether or not such employers are subject  
11 to this chapter. For any week beginning on and after  
12 October 1, 1989, in which the individual failed,  
13 without good cause, either to apply for available,  
14 suitable work when so directed by the employment  
15 office or any duly authorized representative of the  
16 department of labor and industrial relations, or to  
17 accept suitable work when offered until the individual  
18 has, subsequent to the week in which the failure  
19 occurred, been paid wages in covered employment equal  
20 to not less than five times the individual's weekly  
21 benefit amount as determined under section 383-

22 22 (b) [-] i



1           (A) In determining whether or not any work is  
2           suitable for an individual there shall be  
3           considered among other factors and in addition to  
4           those enumerated in paragraph (3)(B), the degree  
5           of risk involved to the individual's health,  
6           safety, and morals, the individual's physical  
7           fitness and prior training, the individual's  
8           experience and prior earnings, the length of  
9           unemployment, the individual's prospects for  
10          obtaining work in the individual's customary  
11          occupation, the distance of available work from  
12          the individual's residence, and prospects for  
13          obtaining local work. The same factors so far as  
14          applicable shall be considered in determining the  
15          existence of good cause for an individual's  
16          voluntarily leaving work under paragraph (1) [-];  
17          (B) Notwithstanding any other provisions of this  
18          chapter, no work shall be deemed suitable and  
19          benefits shall not be denied under this chapter  
20          to any otherwise eligible individual for refusing  
21          to accept new work under any of the following  
22          conditions:



- 1 (i) If the position offered is vacant due  
2 directly to a strike, lockout, or other  
3 labor dispute;
- 4 (ii) If the wages, hours, or other conditions of  
5 the work offered are substantially less  
6 favorable to the individual than those  
7 prevailing for similar work in the locality;  
8 and
- 9 (iii) If as a condition of being employed the  
10 individual would be required to join a  
11 company union or to resign from or refrain  
12 from joining any bona fide labor  
13 organization[-];
- 14 (4) Labor dispute. For any week with respect to which it  
15 is found that unemployment is due to a stoppage of  
16 work which exists because of a labor dispute at the  
17 factory, establishment, or other premises at which the  
18 individual is or was last employed; provided that this  
19 paragraph shall not apply if it is shown that:
- 20 (A) The individual is not participating in or  
21 directly interested in the labor dispute which  
22 caused the stoppage of work; and



1 (B) The individual does not belong to a grade or  
2 class of workers of which, immediately before the  
3 commencement of the stoppage, there were members  
4 employed at the premises at which the stoppage  
5 occurs, any of whom are participating in or  
6 directly interested in the dispute; provided that  
7 if in any case separate branches of work, which  
8 are commonly conducted as separate businesses in  
9 separate premises, are conducted in separate  
10 departments of the same premises, each such  
11 department shall, for the purpose of this  
12 paragraph, be deemed to be a separate factory,  
13 establishment, or other premises[-];

14 (5) If the department finds that the individual has within  
15 the twenty-four calendar months immediately preceding  
16 any week of unemployment made a false statement or  
17 representation of a material fact knowing it to be  
18 false or knowingly failed to disclose a material fact  
19 to obtain any benefits not due under this chapter, the  
20 individual shall be disqualified for benefits  
21 beginning with the week in which the department makes  
22 the determination and for each consecutive week during



1 the current and subsequent twenty-four calendar months  
2 immediately following such determination, and such  
3 individual shall not be entitled to any benefit under  
4 this chapter for the duration of such period; provided  
5 that no disqualification shall be imposed if  
6 proceedings have been undertaken against the  
7 individual under section 383-141[-] i

8 (6) Other unemployment benefits. For any week or part of  
9 a week with respect to which the individual has  
10 received or is seeking unemployment benefits under any  
11 other employment security law, but this paragraph  
12 shall not apply:

13 (A) [~~if~~] If the appropriate agency finally determines  
14 that the individual is not entitled to benefits  
15 under such other law[-] i; or

16 (B) [~~if~~] If benefits are payable to the individual  
17 under an act of Congress which has as its purpose  
18 the supplementation of unemployment benefits  
19 under a state law.

20 (b) Effective July 1, 2010, notwithstanding any law or  
21 rule to the contrary, a partially unemployed individual shall  
22 not be disqualified for benefits for any week in which the





1 individual separates involuntarily or voluntarily, with or  
2 without good cause, from an employer offering part-time  
3 employment, if the individual is:

- 4       (1) Receiving benefits while attached to a regular  
5           employer that is not offering work;  
6       (2) Receiving partial unemployment benefits; and  
7       (3) Exempt from work search and registration for work  
8           requirements.

9 For the purposes of this subsection:

10       "Attached to a regular employer" means:

- 11       (1) The employee is being offered work each week by the  
12           employee's regular employer; or  
13       (2) If no work is being offered:  
14           (A) The employer is maintaining the individual on the  
15               payroll by paying for a medical insurance plan or  
16               by maintaining the employee's sick leave or  
17               vacation credits; or  
18           (B) There is a definite return to work date with the  
19               same employer within eight weeks.

20       "Partially unemployed" means the unemployment of any  
21 individual who, during a particular week, was still attached to  
22 that individual's regular employer, had no earnings or earned



1 less than that individual's weekly benefit amount, and who  
2 worked less than or did not work that individual's normal,  
3 customary full-time hours for the individual's regular employer  
4 because of a lack of full-time work.

5 "Registration for work" means that an individual provides  
6 information to the employment office to be posted on the  
7 department's internet job-matching system, including but not  
8 limited to the individual's name, job skills, education,  
9 training, prior employment history and work duties, preferred  
10 working conditions, occupational licenses, and other relevant  
11 occupational information to facilitate work search efforts by  
12 the individual and increase job referrals by the employment  
13 office."

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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



**Report Title:**

Unemployment Benefits; Disqualification; Part-time Work

**Description:**

Authorizes an individual who is attached to a regular employer that is not offering work to still receive unemployment insurance benefits even if that individual voluntarily or involuntarily separates from part-time employment, with or without good cause. (SB2324 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

