

STAND. COM. REP. NO. 612

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 332  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 332, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,"

begs leave to report as follows:

The purpose of this bill is to assist victims of violence by providing unemployment insurance (UI) benefits to those victims who are separated from their jobs due to domestic or sexual violence.

The Hawaii State Coalition Against Domestic Violence and Sex Abuse Treatment Center testified in support of this bill. The Department of Labor and Industrial Relations (DLIR) provided comments.

This bill is intended to minimize the physical and emotional injuries to domestic and sexual violence victims and provide the financial independence necessary to leave abusive situations while reducing the devastating economic consequences to employers and employees by providing UI benefits to those who leave or lose their job due to domestic or sexual violence.

Your Committee notes that DLIR expressed concerns regarding the 30-day grace period and the non-charging of benefits against the account of the individual's base period employers.

HB332 HD1 HSCR HUS HMS 2009-2400



Unemployed individuals must, by law, be registered for work and be able and available to work to be eligible for UI benefits. There is no 30-day grace period under the law. In addition, the United States Department of Labor has consistently interpreted federal provisions governing the UI program as requiring the recipient to be ready, willing, and able to accept immediate suitable employment. Failure to meet federally established guidelines relating to being able and available to work may raise a conformity issue, and if the state law is in violation, UI funding may be jeopardy.

Also, DLIR feels a change to the current law is unwarranted with respect to the non-charging of benefits paid in discharge of individuals due to circumstances specified in this measure since statute already permits non-charging in circumstances where the employer has no control over an employee's resignation, or where the employee acted in willful disregard of an employer's interests.

Despite these concerns, DLIR supports the purpose of this measure and is willing to work cooperatively with all involved as this bill moves through the legislative process to draft suitable language that is mutually agreeable to all.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 332, H.D. 1, and recommends that it be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

  
JOHN M. MIZUNO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 612

**Record of Votes of the Committee on Human Services**

<b>Bill/Resolution No.:</b> <b>HB 332, HD1</b>	<b>Committee Referral:</b> <b>LAB, HUS, FIN</b>	<b>Date:</b> <b>02/19/09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au				/
4. BERTRAM, Joe, III	/			
5. CARROLL, Mele				/
6. NISHIMOTO, Scott Y.				/
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.				/
9. WARD, Gene	/			
<b>TOTAL (9)</b>	<b>5</b>			<b>4</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> <i>John M. Mizuno</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				