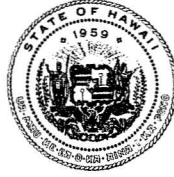


LINDA LINGLE
GOVERNOR



DARWIN L.D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

March 8, 2010

To: The Honorable Karl Rhoads, Chair,
and Members of the House Committee on Labor & Public Employment

Date: Tuesday, March 9, 2010
Time: 9:30 a.m.
Place: Conference Room 309
State Capitol

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

S.B. 2323 RELATING TO EMPLOYMENT SECURITY

The Department of Labor and Industrial Relations has serious concerns about the wording of this bill for the following reasons:

1. Under section 1, the proposed amendment is sufficiently unclear as to whether individuals are prohibited from posting information relating to their availability for work on the UI web-based system, which permits on-line filing of new claim applications as well as continued claims. If the language prevents the UI Division from determining whether or not any individual is available for work, unemployment insurance benefits may not be payable and, more importantly, a federal conformity issue is raised.

The U.S. Department of Labor has consistently interpreted and enforced federal able and available requirements since the inception of the federal-state unemployment compensation program. Provisions contained in the Social Security Act (SSA) and Federal Unemployment Tax Act (FUTA), require that states condition the payment of unemployment compensation upon a claimant being able to and available for work. The federal able/available requirement tests whether an individual who did not work for any week was involuntary due to the unavailability of work.

2. Under section 2, the proposed amendment replaces the existing registration for work

requirement with simply reporting to the employment office. In Section 4, the definition of “registered for work” or “registration for work” is deleted, consistent with the intent to eliminate the current registration procedures contained in Section 2. If not to register for work, the purpose of reporting to the employment office remains unclear. The purpose of the registration requirement is for claimants to demonstrate an attachment to the active labor market and enhance their efforts to become reemployed through the assistance of the Workforce Development Division staff and the Hirenet Hawaii job matching system.

The Twenty-Fifth Legislature
Regular Session of 2010

HOUSE OF REPRESENTATIVES
Committee on Labor and Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Tuesday, March 9, 2010; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2323
RELATING TO EMPLOYMENT SECURITY**

The ILWU Local 142 supports S.B. 2323, which removes definitions requiring online posting of workers' availability and prohibiting all Department of Labor rules, current and future, that require posting of workers' availability online.

Currently, workers claiming unemployment benefits are required to register for work with the Workforce Development Division and post a resume online within a week after application for benefits to maintain UI eligibility. Workers unfamiliar with computers and the Internet have had difficulties with this requirement. Although Workforce Development Division staff have provided assistance, online posting has posed an undue burden on staff who are already stretched thin due to the huge number of workers filing for unemployment benefits as well shortstaffing resulting from furloughs and layoffs within the Department.

However, in light of the Department's assurances that UI claimants will be provided assistance to ensure that no one will be denied because of their inability to use the Internet to post their resumes, the ILWU is in agreement with amendments made earlier by this Committee to H.B. 2202, which addresses the same issue. H.B. 2202 requires that work availability be posted online, but allows claimants the option to post the information themselves or have the Department accept information in a paper format and have the information entered online by Department staff. With this understanding, claimants may be less intimidated by the process and will thus apply for unemployment benefits and register for work without undue hesitation.

This does not, however, address the issue of overburdened Department staff. We trust that the Department will take its own staffing limits into consideration as it implements the online posting requirement for unemployment benefit eligibility.

The ILWU, therefore, supports the amended language in H.B. 2202, HD1 and urges that S.B. 2323 be similarly amended. Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

LATE

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6679

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor & Public Employment

Testimony by
Hawaii Government Employees Association
March 9, 2010

S.B. 2323 – RELATING TO
EMPLOYMENT SECURITY

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports S.B. 2323, which removes definitions requiring on-line posting of workers' availability and prohibiting all Department of Labor and Industrial Relations' rules, current and future, that require posting of workers' availability on-line.

The proposal addresses what is an unnecessary burden, that claimants must have computer access and be computer literate. Many in our community are still unfamiliar with the internet and lack computer skills as basic as how to turn on the computer. An October 2, 2009, msnbc.com article reported that Hawaii officials assessed the on-line jobs network and determined that "Fully 60 percent of job-seekers 'do not have adequate computer skills or access to the internet and have difficulty in navigating HireNet Hawaii on their own.'"

The HGEA urges passage of the bill to improve accessibility to the Unemployment Insurance system for our entire community. Thank you for the opportunity to testify in support of S.B. 2323.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

