
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
18 left the individual's work voluntarily without good



1 cause, and continuing until the individual has,
2 subsequent to the week in which the voluntary
3 separation occurred, been paid wages in covered
4 employment equal to not less than five times the
5 individual's weekly benefit amount as determined under
6 section 383-22(b).

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

- 14 (2) Discharge or suspension for misconduct. For any week
15 prior to October 1, 1989, in which the individual has
16 been discharged for misconduct connected with work,
17 and continuing until the individual has, subsequent to
18 the week in which the discharge occurred, been
19 employed for at least five consecutive weeks of
20 employment. For the week in which the individual has
21 been suspended for misconduct connected with work and
22 for not less than one or more than four consecutive



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

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



1 accept suitable work when offered and continuing until
2 the individual has, subsequent to the week in which
3 the failure occurred, been employed for at least five
4 consecutive weeks of employment. For the purposes of
5 this paragraph, "weeks of employment" means all those
6 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 failed,
12 without good cause, either to apply for available,
13 suitable work when so directed by the employment
14 office or any duly authorized representative of the
15 department of labor and industrial relations, or to
16 accept suitable work when offered until the individual
17 has, subsequent to the week in which the failure
18 occurred, been paid wages in covered employment equal
19 to not less than five times the individual's weekly
20 benefit amount as determined under section 383-22(b).

21 (A) In determining whether or not any work is
22 suitable for an individual there shall be



1 considered among other factors and in addition to
2 those enumerated in paragraph (3)(B), the degree
3 of risk involved to the individual's health,
4 safety, and morals, the individual's physical
5 fitness and prior training, the individual's
6 experience and prior earnings, the length of
7 unemployment, the individual's prospects for
8 obtaining work in the individual's customary
9 occupation, the distance of available work from
10 the individual's residence, and prospects for
11 obtaining local work. The same factors so far as
12 applicable shall be considered in determining the
13 existence of good cause for an individual's
14 voluntarily leaving work under paragraph (1).

15 (B) Notwithstanding any other provisions of this
16 chapter, no work shall be deemed suitable and
17 benefits shall not be denied under this chapter
18 to any otherwise eligible individual for refusing
19 to accept new work under any of the following
20 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 (iii) If as a condition of being employed the
9 individual would be required to join a
10 company union or to resign from or refrain
11 from joining any bona fide labor
12 organization.
- 13 (4) Labor dispute. For any week with respect to which it
14 is found that unemployment is due to a stoppage of
15 work which exists because of a labor dispute at the
16 factory, establishment, or other premises at which the
17 individual is or was last employed; provided that this
18 paragraph shall not apply if it is shown that:
- 19 (A) The individual is not participating in or
20 directly interested in the labor dispute which
21 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.

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 (A) if the appropriate agency finally
13 determines that the individual is not entitled to
14 benefits under such other law, or (B) if benefits are
15 payable to the individual under an act of Congress
16 which has as its purpose the supplementation of
17 unemployment benefits under a state law.

18 (b) Effective July 1, 2011, notwithstanding any law or
19 rule to the contrary, an individual shall not be disqualified
20 for benefits for any week in which the individual separates
21 involuntarily or voluntarily, with or without good cause, from
22 an employer offering part-time employment, if the individual is:



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

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

Kal Rhoode

JAN 24 2011



Report Title:

Unemployment Benefits; Disqualification; Part-time Work

Description:

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

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