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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY.

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

1           SECTION 1. Section 383-168, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§383-168 Definitions. As used in this part, unless the  
4 context clearly requires otherwise:

5           (1) "Extended benefit period" means a period which:

6           (A) Begins with the third week after the first week  
7           for which there is a state "on" indicator; and

8           (B) Ends with either of the following weeks,  
9           whichever occurs later:

10           (i) The third week after the first week for  
11           which there is a state "off" indicator; or

12           (ii) The thirteenth consecutive week of such  
13           period; provided that no extended benefit  
14           period may begin before the fourteenth week  
15           following the end of a prior extended  
16           benefit period which was in effect with  
17           respect to this State.



- 1           (2)   (A)   There is a "state 'on' indicator" for this State  
2                           for a week which begins before September 26,  
3                           1982, if the director of labor and industrial  
4                           relations determines, in accordance with the  
5                           regulations of the United States Secretary of  
6                           Labor, that for the period consisting of such  
7                           week and the immediately preceding twelve weeks,  
8                           the rate of insured unemployment (not seasonally  
9                           adjusted) under this chapter:
- 10                       (i)   Equaled or exceeded 120 per cent of the  
11                                   average of such rates for the corresponding  
12                                   thirteen-week period ending in each of the  
13                                   preceding two calendar years, and
- 14                       (ii)   Equaled or exceeded 4 per cent.
- 15           (B)   There is a "state 'on' indicator" for this State  
16                           for a week which begins after September 25, 1982,  
17                           if the director of labor and industrial relations  
18                           determines, in accordance with the regulations of  
19                           the United States Secretary of Labor, that for  
20                           the period consisting of such week and the  
21                           immediately preceding twelve weeks, the rate of



1 insured unemployment (not seasonally adjusted)

2 under this chapter:

3 (i) Equaled or exceeded 120 per cent of the  
4 average of such rates for the corresponding  
5 thirteen-week period ending in each of the  
6 preceding two calendar years, and

7 (ii) Equaled or exceeded 5 per cent.

8 (3) (A) There is a "state 'off' indicator" for this State

9 for a week which begins before September 26,

10 1982, if the director determines, in accordance

11 with the regulations of the United States

12 Secretary of Labor, that for the period

13 consisting of such week and the immediately

14 preceding twelve weeks, the rate of insured

15 unemployment (not seasonally adjusted) under this

16 chapter:

17 (i) Was less than 120 per cent of the average of  
18 such rates for the corresponding thirteen-  
19 week period ending in each of the preceding  
20 two calendar years, or

21 (ii) Was less than 4 per cent.



1 (B) There is a "state 'off' indicator" for this State  
2 for a week which begins after September 25, 1982,  
3 if the director determines, in accordance with  
4 the regulations of the United States Secretary of  
5 Labor, that for the period consisting of such  
6 week and the immediately preceding twelve weeks,  
7 the rate of insured unemployment (not seasonally  
8 adjusted) under this chapter:

9 (i) Was less than 120 per cent of the average of  
10 such rates for the corresponding thirteen-  
11 week period ending in each of the preceding  
12 two calendar years, or

13 (ii) Was less than 5 per cent.

14 (4) (A) Effective with respect to compensation for weeks  
15 of unemployment beginning after December 31,  
16 1977, the determination of whether there has been  
17 a state "on" or "off" indicator shall be made  
18 under paragraphs (2) (A) and (3) (A) of this  
19 section as if paragraph (2) (A) did not contain  
20 clause (i) thereof and the figure "4" contained  
21 in clause (ii) thereof were "5", and as if  
22 paragraph (3) (A) did not contain clause (i)



1                   thereof and the figure "4" contained in clause  
2                   (ii) thereof were "5"; except that,  
3                   notwithstanding the other provisions of this  
4                   paragraph to the contrary, any week for which  
5                   there would otherwise be a state "on" indicator  
6                   shall continue to be such a week and shall not be  
7                   determined to be a week for which there is a  
8                   state "off" indicator.

9                   (B) Effective with respect to compensation for weeks  
10                   of unemployment beginning after September 25,  
11                   1982, the determination of whether there has been  
12                   a state "on" or "off" indicator shall be made  
13                   under paragraphs (2) (B) and (3) (B) of this  
14                   section as if paragraph (2) (B) did not contain  
15                   clause (i) thereof and the figure "5" contained  
16                   in clause (ii) thereof were "6"; except that,  
17                   notwithstanding the other provisions of this  
18                   paragraph to the contrary, any week for which  
19                   there would otherwise be a state "on" indicator  
20                   shall continue to be such a week and shall not be  
21                   determined to be a week for which there is a  
22                   state "off" indicator.



1       (5) (A) Notwithstanding paragraphs (2)(B) and (4)(B) of  
2       this section, there is a "state 'on' indicator"  
3       for this State with respect to weeks of  
4       unemployment until the week ending four weeks  
5       prior to the last week of unemployment for which  
6       one hundred per cent federal sharing is available  
7       under Section 2005(a) of Public Law No. 111-5 if:

8       (i) The average rate of total unemployment in  
9       this State (seasonally adjusted), as  
10       determined by the United States Secretary of  
11       Labor, for the period consisting of the most  
12       recent three months for which data for all  
13       states are published before the close of  
14       such week equals or exceeds 6.5 per cent,  
15       and

16       (ii) The average rate of total unemployment in  
17       this State (seasonally adjusted), as  
18       determined by the United States Secretary of  
19       Labor, for the most recent three-month  
20       period equals or exceeds 110 per cent of  
21       such average for any or all of the  
22       corresponding three-month periods ending in



1                   the preceding three calendar years during  
2                   the period beginning January 1, 2011, and  
3                   ending on December 31, 2011, or the date  
4                   established in federal law permitting this  
5                   provision.

6           (B) Notwithstanding paragraphs (3) (B) and (4) (B) of  
7           this section, there is a "state 'off' indicator"  
8           for this State for a week based on the rate of  
9           total unemployment only if for the period  
10           consisting of the most recent three months for  
11           which data for all States published before the  
12           close of such week, subparagraphs (A) (i) and  
13           (A) (ii) do not result in an "on" indicator.

14       [+5+] (6) "Rate of insured unemployment," for purposes of  
15       paragraphs (2) and (3) of this section, means the  
16       percentage derived by dividing:

17       (A) The average weekly number of individuals filing  
18       claims for regular compensation in this State for  
19       weeks of unemployment with respect to the most  
20       recent thirteen-consecutive-week period, as  
21       determined by the director on the basis of the



1 director's reports to the United States Secretary  
2 of Labor, by

3 (B) The average monthly employment covered under this  
4 chapter for the first four of the most recent six  
5 completed calendar quarters ending before the end  
6 of such thirteen-week period.

7 ~~(6)~~ (7) "Regular benefits" means benefits payable to an  
8 individual under this chapter or under any other state  
9 law (including benefits payable to federal civilian  
10 employees and ex-servicemen pursuant to Title 5 United  
11 States Code ~~[chapter]~~ Chapter 85) other than extended  
12 benefits and additional benefits.

13 ~~(7)~~ (8) "Extended benefits" means benefits (including  
14 benefits payable to federal civilian employees and to  
15 ex-servicemen pursuant to Title 5 United States Code  
16 ~~[chapter]~~ Chapter 85) payable to an individual under  
17 the provisions of this part for weeks of unemployment  
18 in the individual's eligibility period.

19 ~~(8)~~ (9) "Additional benefits" means benefits payable to  
20 exhaustees by reason of conditions of high  
21 unemployment or by reason of other special factors





1 under the provisions of any state law, including but  
2 not limited to chapter 385.

3 ~~[(9)]~~ (10) "Eligibility period" of an individual means the  
4 period consisting of the weeks in the individual's  
5 benefit year which begin in an extended benefit period  
6 and, if the individual's benefit year ends within such  
7 extended benefit period, any week thereafter which  
8 begins in such period.

9 ~~[(10)]~~ (11) "Exhaustee" means an individual who, with  
10 respect to any week of unemployment in the  
11 individual's eligibility period:

12 (A) Has received, prior to such week, all of the  
13 regular benefits that were available to the  
14 individual under this chapter or any other state  
15 law (including dependents' allowances and  
16 benefits payable to federal civilian employees  
17 and ex-servicemen under Title 5 United States  
18 Code ~~[chapter]~~ Chapter 85) in the individual's  
19 current benefit year that includes such week;  
20 provided that for the purposes of this  
21 subparagraph, an individual shall be deemed to  
22 have received all of the regular benefits that



1           were available to the individual although, as a  
2           result of a pending appeal with respect to wages  
3           and/or employment that were not considered in the  
4           original monetary determination in the  
5           individual's benefit year, the individual may  
6           subsequently be determined to be entitled to  
7           added regular benefits; or

8           (B) The individual's benefit year having expired  
9           prior to such week has no, or has insufficient,  
10          wages and/or employment on the basis of which the  
11          individual could establish a new benefit year  
12          that would include such week; and

13          (C) (i) Has no right to unemployment benefits or  
14                allowances, as the case may be, under the  
15                Railroad Unemployment Insurance Act, the  
16                Trade Expansion Act of 1962, the Automotive  
17                Products Trade Act of 1965, and such other  
18                federal laws as are specified in regulations  
19                issued by the United States Secretary of  
20                Labor; and

21          (ii) Has not received and is not seeking  
22          unemployment benefits under the unemployment



1 compensation law of the Virgin Islands or of  
 2 Canada; but if the individual is seeking  
 3 such benefits and the appropriate agency  
 4 finally determines that the individual is  
 5 not entitled to benefits under such law the  
 6 individual is considered an exhaustee;  
 7 provided that this provision shall not be  
 8 applicable to benefits under the Virgin  
 9 Islands law beginning on the day after the  
 10 day on which the United States Secretary of  
 11 Labor approves under section 3304(a) of the  
 12 Internal Revenue Code of 1954 an  
 13 unemployment compensation law submitted by  
 14 the Virgin Islands for approval.

15 [~~(11)~~] (12) "State law" means the unemployment insurance law  
 16 of any state, approved by the United States Secretary  
 17 of Labor under section 3304 of the Internal Revenue  
 18 Code of 1954."

19 SECTION 2. Section 383-172, Hawaii Revised Statutes, is  
 20 amended to read as follows:

21 "**§383-172 Total extended benefit amount.** (a) The total  
 22 extended benefit amount payable to any eligible individual with



1 respect to the individual's applicable benefit year shall be  
2 ~~[fifty per cent of the total amount of regular benefits which~~  
3 ~~were payable to the individual under this chapter in the~~  
4 ~~individual's applicable benefit year; provided that the amount~~  
5 ~~so determined shall be reduced by the total amount of additional~~  
6 ~~benefits paid (or deemed paid) to the individual for weeks of~~  
7 ~~unemployment in the individual's benefit year which began prior~~  
8 ~~to the effective date of the extended benefit period which is~~  
9 ~~current in the week for which the individual first claims~~  
10 ~~extended benefits.] the lesser of the following amounts:~~

11 (1) Fifty per cent of the total amount of regular benefits  
12 that were payable to the individual under this chapter  
13 in the individual's applicable benefit year; or

14 (2) Thirteen times the individual's weekly benefit amount  
15 that was payable to an individual under this chapter  
16 for a week of total unemployment in the applicable  
17 benefit year.

18 (b) The amount determined under subsection (a) shall be  
19 reduced by the total amount of additional benefits paid or  
20 deemed paid to the individual for weeks of unemployment in the  
21 individual's benefit year that began prior to the effective date



1 of the extended benefit period that is current in the week for  
2 which the individual first claims extended benefits.

3 (c) Effective with respect to weeks beginning in a high  
4 unemployment period, subsection (a) shall be applied by  
5 substituting:

6 (1) "Eighty per cent" for "fifty per cent" in subsection  
7 (a) (1); and

8 (2) "Twenty" for "thirteen" in subsection (a) (2).

9 (d) For purposes of this section, "high unemployment  
10 period" means any period during which an extended benefit period  
11 would be in effect if section 383-168(5) (A) (i) were applied by  
12 substituting eight per cent for 6.5 per cent."

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2011-2012 for  
16 an automated extended benefit claims system.

17 The sum appropriated shall be expended by the department of  
18 labor and industrial relations for the purposes of this Act.

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2050.

22



**Report Title:**

Employment Security

**Description:**

Establishes a temporary total unemployment rate trigger pursuant to P.L. No. 111-5. Appropriates an unspecified amount for an automated extended benefit claims system. Effective July 1, 2050. (SD1)

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

