
A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY LAW.

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

1 SECTION 1. Section 383-69, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§383-69 Procedure for rate determination.** The department
4 of labor and industrial relations, as soon as is reasonably
5 possible in each period, shall make its classification of
6 employers for such period and notify each employer of the
7 employer's rate of contributions for such period as determined
8 pursuant to sections 383-63 to 383-69. The determination shall
9 become conclusive and binding upon the employer unless~~[,]~~ the
10 employer appeals the determination by filing a written notice of
11 appeal within fifteen days after the mailing of notice ~~[thereof]~~
12 of the determination to the employer's last known address~~[, or~~
13 ~~in the absence of mailing within fifteen days after the delivery~~
14 ~~of the notice to the employer, the employer files an application~~
15 ~~for review and redetermination, setting forth the employer's~~
16 ~~reasons therefor. If the department grants the review, the~~
17 ~~employer shall be promptly notified thereof and shall be granted~~
18 ~~an opportunity for a fair hearing,]~~ The appeal shall be heard



1 by the referee in accordance with applicable provisions of
2 sections 383-38 and 383-39 but no employer shall have standing,
3 in any proceeding involving the employer's rate of contributions
4 or contribution liability, to contest the chargeability to the
5 employer's account of any benefits paid in accordance with a
6 determination, redetermination, or decision pursuant to sections
7 383-31 to 383-43; provided that the services on the basis of
8 which the benefits were found to be chargeable did not
9 constitute services performed in employment for the employer and
10 only in the event that the employer was not a party to the
11 determination, redetermination, or decision, or to any other
12 proceedings under this chapter in which the character of the
13 services was determined. [~~The employer shall be promptly~~
14 ~~notified of the department's denial of the employer's~~
15 ~~application, or of the department's redetermination, both of~~
16 ~~which shall become final unless a proceeding for judicial review~~
17 ~~in the manner provided in chapter 91 is commenced in the circuit~~
18 ~~court of the judicial circuit in which the employer resides or~~
19 ~~has the employer's principal place of business or in the circuit~~
20 ~~court of the first judicial circuit. The proceedings shall be~~
21 ~~heard in a summary manner and shall be given precedence over all~~
22 ~~other civil actions, except for proceedings arising under~~



1 ~~section 383 41 and the workers' compensation law of the State.~~
2 ~~An appeal may be taken from the decision of the circuit court to~~
3 ~~the intermediate appellate court, subject to chapter 602.] "~~

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on July 1, 2112.



Report Title:

Employment Security

Description:

Amends the procedure for rate determination to clarify that the department's determination must be appealed to the referee and not directly to circuit court. Effective July 1, 2112. (HB2576 HD1)

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