
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~~] the period and notify each employer of the
7 employer's rate of contributions for [~~such~~] the period as
8 determined pursuant to sections 383-63 to 383-69. The
9 determination shall become conclusive and binding upon the
10 employer unless [~~7~~] the employer appeals the determination by
11 filing a written notice of appeal within fifteen days after the
12 mailing of notice [~~thereof~~] of the determination to the
13 employer's last known address [~~, or in the absence of mailing~~
14 ~~within fifteen days after the delivery of the notice to the~~
15 ~~employer, the employer files an application for review and~~
16 ~~redetermination, setting forth the employer's reasons therefor.~~
17 ~~If the department grants the review, the employer shall be~~
18 ~~promptly notified thereof and shall be granted an opportunity~~



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



1 ~~given precedence over all other civil actions, except for~~
2 ~~proceedings arising under section 383-41 and the workers'~~
3 ~~compensation law of the State.]~~ An appeal may be taken from the
4 decision of the circuit court to the intermediate appellate
5 court, subject to chapter 602."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2012.



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, 2012. (HB2576 HD2)

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

