

JAN 18 2019

A BILL FOR AN ACT

RELATING TO EMPLOYMENT SECURITY.

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

1 SECTION 1. Section 383-29, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) An unemployed individual shall be eligible to receive
4 benefits with respect to any week only if the department finds
5 that:

6 (1) The individual has made a claim for benefits with
7 respect to that week in accordance with rules the
8 department may prescribe and with section 383-29.7 for
9 partially unemployed individuals;

10 (2) The individual has registered for work, as defined in
11 section 383-1, and thereafter continued to report, in
12 person or via electronic communication, at an
13 employment office in accordance with rules the
14 department may prescribe, except that the department,
15 by rule, may waive or alter either or both of the
16 requirements of this paragraph for partially
17 unemployed individuals pursuant to section 383-29.8,



S.B. NO. 576

1 individuals attached to regular jobs, and other types
2 of cases or situations with respect to which it finds
3 that compliance with those requirements would be
4 oppressive, or would be inconsistent with the purpose
5 of this chapter; provided that no rule shall conflict
6 with section 383-21;

- 7 (3) The individual is able to work and is available for
8 work; provided that no claimant shall be considered
9 ineligible with respect to any week of unemployment
10 for failure to comply with this paragraph if the
11 failure is due to an illness or disability, as
12 evidenced by a physician's certificate, which occurs
13 during an uninterrupted period of unemployment with
14 respect to which benefits are claimed and no work
15 which would have been suitable prior to the beginning
16 of the illness and disability has been offered the
17 claimant; provided further that no claimant shall be
18 considered ineligible with respect to any week of
19 unemployment if the claimant is out of state with
20 access to facilities and methods that are prevailing



1 or customarily used by persons to work remotely in the
2 claimant's occupation;

3 (4) The individual has been unemployed for a waiting
4 period of one week within the individual's benefit
5 year. No week shall be counted as a waiting period:

6 (A) If benefits have been paid with respect thereto;

7 (B) Unless the individual was eligible for benefits
8 with respect thereto as provided in this section
9 and section 383-30, except for the requirements
10 of this paragraph;

11 (5) In the case of an individual whose benefit year
12 begins:

13 (A) On or after January 2, 1966, but prior to
14 October 1, 1989, the individual has had during
15 the individual's base period a total of fourteen
16 or more weeks of employment, as defined in
17 section 383-1, and has been paid wages for
18 insured work during the individual's base period
19 in an amount equal to at least thirty times the
20 individual's weekly benefit amount as determined
21 under section 383-22(b). For the purposes of



1 this subparagraph, wages for insured work shall
2 include wages paid for services:

3 (i) Which were not employment, as defined in
4 section 383-2, or pursuant to an election
5 under section 383-77 prior to January 1,
6 1978, at any time during the one-year period
7 ending December 31, 1975; and

8 (ii) Which are agricultural labor, as defined in
9 section 383-9 except service excluded under
10 section [†]383-7(a)(1) [†], or are domestic
11 service except service excluded under
12 section [†]383-7(a)(2) [†]; except to the
13 extent that assistance under title II of the
14 Emergency Jobs and Unemployment Assistance
15 Act of 1974 was paid on the basis of those
16 services;

17 (B) On and after October 1, 1989, to January 4, 1992,
18 the individual has been employed, as defined in
19 section 383-2, and has been paid wages for
20 insured work during the individual's base period
21 in an amount equal to not less than thirty times



S.B. NO. 576

1 the individual's weekly benefit amount, as
2 determined under section 383-22(b), and the
3 individual has been paid wages for insured work
4 during at least two quarters of the individual's
5 base period; provided that no otherwise eligible
6 individual who established a prior benefit year
7 under this chapter or the unemployment
8 compensation law of any other state, shall be
9 eligible to receive benefits in a succeeding
10 benefit year until, during the period following
11 the beginning of the prior benefit year, that
12 individual worked in covered employment for which
13 wages were paid in an amount equal to at least
14 five times the weekly benefit amount established
15 for that individual in the succeeding benefit
16 year; and

17 (C) After January 4, 1992, the individual has been
18 employed, as defined in section 383-2, and has
19 been paid wages for insured work during the
20 individual's base period in an amount equal to
21 not less than twenty-six times the individual's



S.B. NO. 576

1 weekly benefit amount, as determined under
2 section 383-22(b), and the individual has been
3 paid wages for insured work during at least two
4 quarters of the individual's base period;
5 provided that no otherwise eligible individual
6 who established a prior benefit year under this
7 chapter or the unemployment compensation law of
8 any other state, shall be eligible to receive
9 benefits in a succeeding benefit year until,
10 during the period following the beginning of the
11 prior benefit year, that individual worked in
12 covered employment for which wages were paid in
13 an amount equal to at least five times the weekly
14 benefit amount established for that individual in
15 the succeeding benefit year.

16 For purposes of this paragraph, wages and weeks of
17 employment shall be counted for benefit purposes with
18 respect to any benefit year only if the benefit year
19 begins subsequent to the dates on which the employing
20 unit by which the wages or other remuneration, as
21 provided in the definition of weeks of employment in



S.B. NO. 576

1 section 383-1, were paid has satisfied the conditions
2 of section 383-1 with respect to becoming an employer.

3 Effective for benefit years beginning January 1,
4 2004, and thereafter, if an individual fails to
5 establish a valid claim for unemployment insurance
6 benefits under this paragraph, the department shall
7 make a redetermination of entitlement based upon the
8 alternative base period, as defined in section 383-1;
9 provided further that the individual shall satisfy the
10 conditions of section 383-29(a)(5) that apply to
11 claims filed using the base period, as defined in
12 section 383-1, and the establishment of claims using
13 the alternative base period shall be subject to the
14 terms and conditions of sections 383-33 and 383-94;
15 and

16 (6) Effective November 24, 1994, an individual who has
17 been referred to reemployment services pursuant to the
18 profiling system under section 383-92.5 shall
19 participate in those services or in similar services.
20 The individual may not be required to participate in
21 reemployment services if the department determines the



S.B. NO. 576

1 individual has completed those services, or there is
 2 justifiable cause for the claimant's failure to
 3 participate in those services.

4 For the purposes of this subsection, employment and wages
 5 used to establish a benefit year shall not thereafter be reused
 6 to establish another benefit year."

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

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~Sen. Scott~~ *Sen. Scott*

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S.B. NO. 576

Report Title:

Employment Security; Remote Jobs; Eligibility for Benefits

Description:

Permits claimants for unemployment benefits to report in person or via electronic communication. Prohibits denial of unemployment insurance benefits if a claimant is out of the State with access to facilities and methods that are prevailing or customarily used by persons to work remotely in the claimant's occupation.

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