
A BILL FOR AN ACT

RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW.

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

1 SECTION 1. Section 383-1, Hawaii Revised Statutes, is
2 amended by deleting the definition of "registered for work" or
3 "registration for work".

4 ~~["Registered for work" or "registration for work" means~~
5 ~~that an individual shall provide information to the employment~~
6 ~~office to be posted on the department's internet job matching~~
7 ~~system, including the individual's name, job skills, education,~~
8 ~~training, prior employment history and work duties, preferred~~
9 ~~working conditions, occupational licenses, and other relevant~~
10 ~~occupational information to facilitate work search efforts by~~
11 ~~the individual and increase job referrals by the employment~~
12 ~~office."]~~

13 SECTION 2. Section 383-29, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsection (a) to read:



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

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

8 (2) The individual has registered for work~~[, as defined in~~
9 ~~section 383-1,]~~ and thereafter continued to report, at
10 an employment office in accordance with rules the
11 department may prescribe, or such other place as the
12 department may approve, except that the department~~[,~~
13 ~~by rule,~~] may waive or alter either or both of the
14 requirements of this paragraph for [partially]:

15 (A) Partially unemployed individuals pursuant to
16 section 383-29.8~~[, individuals]~~;

17 (B) Individuals attached to regular jobs~~[, and~~
18 ~~other]~~;

19 (C) Union members in good standing and who are being
20 referred to jobs through the union job placement
21 service; provided that the union agrees to report



1 to the department all individuals who refuse job
2 referrals or offers of work and all individuals
3 not ready, willing, and able to work, and the
4 union is approved by the department for the
5 purpose of waiving work registration;

6 (D) Individuals involved in a labor dispute and for
7 whom an employer-employee relationship continues
8 to exist;

9 (E) Individuals who are suspended from work and for
10 whom an employer-employee relationship continues
11 to exist; provided that the waiver shall apply
12 only to the period of suspension and shall not
13 exceed more than four consecutive weeks of
14 unemployment immediately following the week in
15 which the individual has been suspended; or

16 (F) Other types of cases or situations with respect
17 to which [it] the department finds that
18 compliance with those requirements would be
19 oppressive, or would be inconsistent with the
20 purpose of this chapter[; ~~provided that no rule~~
21 ~~shall conflict with section 383-21];~~



1 (3) The individual is able to work and is available for
2 work; provided that no claimant shall be considered
3 ineligible with respect to any week of unemployment
4 for failure to comply with this paragraph if the
5 failure is due to an illness or disability, as
6 evidenced by a physician's certificate, which occurs
7 during an uninterrupted period of unemployment with
8 respect to which benefits are claimed and no work
9 which would have been suitable prior to the beginning
10 of the illness and disability has been offered the
11 claimant;

12 (4) The individual has been unemployed for a waiting
13 period of one week within the individual's benefit
14 year. No week shall be counted as a waiting period:
15 (A) If benefits have been paid with respect thereto;
16 (B) Unless the individual was eligible for benefits
17 with respect thereto as provided in this section
18 and section 383-30, except for the requirements
19 of this paragraph;

20 (5) In the case of an individual whose benefit year
21 begins[÷



1 ~~(A) On or after January 2, 1966, but prior to October~~
2 ~~1, 1989, the individual has had during the~~
3 ~~individual's base period a total of fourteen or~~
4 ~~more weeks of employment, as defined in section~~
5 ~~383-1, and has been paid wages for insured work~~
6 ~~during the individual's base period in an amount~~
7 ~~equal to at least thirty times the individual's~~
8 ~~weekly benefit amount as determined under section~~
9 ~~383-22(b). For the purposes of this~~
10 ~~subparagraph, wages for insured work shall~~
11 ~~include wages paid for services:~~
12 ~~(i) Which were not employment, as defined in~~
13 ~~section 383-2, or pursuant to an election~~
14 ~~under section 383-77 prior to January 1,~~
15 ~~1978, at any time during the one-year period~~
16 ~~ending December 31, 1975; and~~
17 ~~(ii) Which are agricultural labor, as defined in~~
18 ~~section 383-9 except service excluded under~~
19 ~~section [383-7(a)(1)], or are domestic~~
20 ~~service except service excluded under~~
21 ~~section [383-7(a)(2)]; except to the extent~~



1 ~~that assistance under title II of the~~
2 ~~Emergency Jobs and Unemployment Assistance~~
3 ~~Act of 1974 was paid on the basis of those~~
4 ~~services;~~

5 ~~(B) On and after October 1, 1989, to January 4, 1992,~~
6 ~~the individual has been employed, as defined in~~
7 ~~section 383-2, and has been paid wages for~~
8 ~~insured work during the individual's base period~~
9 ~~in an amount equal to not less than thirty times~~
10 ~~the individual's weekly benefit amount, as~~
11 ~~determined under section 383-22(b), and the~~
12 ~~individual has been paid wages for insured work~~
13 ~~during at least two quarters of the individual's~~
14 ~~base period; provided that no otherwise eligible~~
15 ~~individual who established a prior benefit year~~
16 ~~under this chapter or the unemployment~~
17 ~~compensation law of any other state, shall be~~
18 ~~eligible to receive benefits in a succeeding~~
19 ~~benefit year until, during the period following~~
20 ~~the beginning of the prior benefit year, that~~
21 ~~individual worked in covered employment for which~~



1 ~~wages were paid in an amount equal to at least~~
2 ~~five times the weekly benefit amount established~~
3 ~~for that individual in the succeeding benefit~~
4 ~~year; and~~

5 (C) ~~After~~] after January 4, 1992, the individual has
6 been employed, as defined in section 383-2, and has
7 been paid wages for insured work during the
8 individual's base period in an amount equal to not
9 less than twenty-six times the individual's weekly
10 benefit amount, as determined under section 383-22(b),
11 and the individual has been paid wages for insured
12 work during at least two quarters of the individual's
13 base period; provided that no otherwise eligible
14 individual who established a prior benefit year under
15 this chapter or the unemployment compensation law of
16 any other state, shall be eligible to receive benefits
17 in a succeeding benefit year until, during the period
18 following the beginning of the prior benefit year,
19 that individual worked in covered employment for which
20 wages were paid in an amount equal to at least five



1 times the weekly benefit amount established for that
2 individual in the succeeding benefit year.

3 For purposes of this paragraph, wages and weeks
4 of employment shall be counted for benefit purposes
5 with respect to any benefit year only if the benefit
6 year begins subsequent to the dates on which the
7 employing unit by which the wages or other
8 remuneration, as provided in the definition of weeks
9 of employment in section 383-1, were paid has
10 satisfied the conditions of section 383-1 with respect
11 to becoming an employer[-]; and

12 Effective for benefit years beginning January 1,
13 2004, and thereafter, if an individual fails to
14 establish a valid claim for unemployment insurance
15 benefits under this paragraph, the department shall
16 make a redetermination of entitlement based upon the
17 alternative base period, as defined in section 383-1;
18 provided further that the individual shall satisfy the
19 conditions of section 383-29(a)(5) that apply to
20 claims filed using the base period, as defined in
21 section 383-1, and the establishment of claims using



1 the alternative base period shall be subject to the
2 terms and conditions of sections 383-33 and 383-94;
3 and

4 (6) Effective November 24, 1994, an individual who has
5 been referred to reemployment services pursuant to the
6 profiling system under section 383-92.5 shall
7 participate in those services or in similar services.
8 The individual may not be required to participate in
9 reemployment services if the department determines the
10 individual has completed those services, or there is
11 justifiable cause for the claimant's failure to
12 participate in those services.

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

16 2. By amending subsection (e) to read:

17 "(e) Notwithstanding any provisions of this chapter to the
18 contrary, a claimant shall not be denied benefits because of the
19 claimant's regular attendance at a vocational training or
20 retraining course which the director has approved and continues



1 from time to time to approve for the claimant. The director may
2 approve such course for a claimant only if:

3 (1) The training activity is authorized under [~~titles I,~~
4 ~~II, III, and IV (except on the job training) of the~~
5 ~~Job Partnership Training Act (P.L. 97-300);~~] the
6 Workforce Innovation and Opportunity Act (P.L. 113-
7 128); or

8 (2) All of the following conditions apply:

9 (A) Reasonable employment opportunities for which the
10 claimant is fitted by training and experience do
11 not exist in the locality or are severely
12 curtailed;

13 (B) The training course relates to an occupation or
14 skill for which there are, or are expected to be
15 in the immediate future, reasonable employment
16 opportunities in the locality;

17 (C) The training course is offered by a competent and
18 reliable agency; and

19 (D) The claimant has the required qualifications and
20 aptitudes to complete the course successfully."



1 SECTION 3. Section 383-29.8, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) An individual shall be exempted from the work search
4 requirements as determined by rules of the department, or be
5 subject to modified work search requirements as authorized by
6 the department if the individual is waived from the registration
7 for work requirements[~~, as defined in section 383-1.~~] under
8 section 383-29(a)."

9 SECTION 4. Section 383-36, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§383-36 Notice of determinations.** Notice of a
12 determination or redetermination upon a claim shall be promptly
13 given to the claimant[~~, by delivery thereof or~~] by electronic
14 notification unless an election was made to receive notices by
15 mail, and in such case, by mailing the notice to the claimant's
16 last known address. In addition, notice of a determination or
17 redetermination with respect to the first week of a benefit year
18 shall be given to each employer by whom the claimant was
19 employed during the claimant's base period, and to the last
20 employing unit by whom the claimant was employed, and notice of
21 any determination or redetermination which involves the



1 application of section 383-30 shall be given to the last
2 employing unit by whom the claimant was employed, in every case
3 by ~~[delivery thereof to such party or]~~ electronic notification
4 unless an election was made to receive notices by mail, and in
5 such case, by mailing the notice to the party's last known
6 address. The date of electronic notification shall be
7 equivalent to the mailing date."

8 SECTION 5. Section 383-38, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsections (a) and (b) to read:

11 "(a) The claimant or any other party entitled to notice of
12 a determination or redetermination as ~~[herein]~~ provided in this
13 subsection may file an appeal from the determination or
14 redetermination at the office of the department in the county in
15 which the claimant resides or in the county in which the
16 claimant was last employed, or with a copy of the contested
17 determination at the employment security appeals referee's
18 office, within ten days after the date of mailing of the notice
19 to the claimant's or party's last known address, or if the
20 notice is not mailed, within ten days after the date of
21 ~~[delivery]~~ the electronic notification of the notice to the



1 claimant or party. The department may for good cause extend the
2 period within which an appeal may be filed to thirty days. The
3 notice of a determination or redetermination shall be final and
4 shall be binding upon each party unless an appeal is filed by a
5 party pursuant to this subsection. Written notice of a hearing
6 of an appeal shall be sent by first class, nonregistered,
7 noncertified mail to the claimant's or party's last known
8 address at least twelve days prior to the initial hearing
9 date[-] or by electronic notification.

10 (b) The appeal under subsection (a) shall be heard in the
11 county in which the appeal is filed, except that the department
12 may by its rules provide for the holding of a hearing in another
13 county with the consent of all parties or where necessary in
14 order that a fair and impartial hearing may be had, and may
15 provide for the taking of depositions. Unless the appeal is
16 withdrawn with the permission of the referee, the referee after
17 affording the parties reasonable opportunity for a fair hearing
18 shall make findings and conclusions and on the basis thereof
19 affirm, modify, or reverse such determination or
20 redetermination. The parties to any appeal shall be promptly
21 notified of the decision of the referee and shall be furnished



1 with a copy of the decision and the findings and conclusions in
2 support thereof and the decisions shall be final and shall be
3 binding upon each party unless a proceeding for judicial review
4 is [~~initiated~~] filed by the party pursuant to section 383-41;
5 provided that within the time provided for taking an appeal and
6 prior to the filing of a notice of appeal, the referee may
7 reopen the matter, upon the application of the director or any
8 other party, or upon the referee's own motion, and thereupon may
9 take further evidence or may modify or reverse the referee's
10 decision, findings, or conclusions. If the matter is reopened,
11 the referee shall render a further decision in the matter either
12 reaffirming or modifying or reversing the referee's original
13 decision, and notice shall be given thereof in the manner
14 hereinbefore provided. Upon reopening, the referee who heard
15 the original appeal shall reconsider the matter, except where
16 the referee is no longer employed as a referee or the referee
17 disqualifies oneself from reconsidering the referee's decision."

18 2. By amending subsections (d) and (e) to read:

19 "(d) If a claimant or party does not receive the written
20 notice under subsection (a), a second written notice shall be



1 sent by certified mail^[7] or by electronic notification, and the
2 hearing on the appeal shall be rescheduled accordingly.

3 (e) ~~[Upon application to, and approval by, the employment~~
4 ~~security appeals referee's office, a claimant or party to an~~
5 ~~appeal may elect to receive hearing notices, decisions, and~~
6 ~~other appeal documents from the referee's office in electronic~~
7 ~~format in lieu of notice by mail. The date of electronic~~
8 ~~transmission is equivalent to the mailing date for purposes of~~
9 ~~this section.]~~ A claimant or party shall receive hearing
10 notices, decisions, and other appeal documents from the
11 referee's office by electronic notification, unless an election
12 was made to receive notices, decisions, and other appeal
13 documents from the referee's office by mail, and in such case,
14 the notices, decisions, and other appeal documents shall be
15 mailed to the claimant's or party's last known address. The
16 date of electronic notification shall be equivalent to the
17 mailing date. Electronic notification status may be rescinded
18 at any time by the referee's office, claimant, or any party upon
19 written notification."

20 SECTION 6. Section 383-163.6, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) An individual filing a new claim for unemployment
2 compensation shall, at the time of filing the claim, be advised
3 that:

4 (1) Unemployment compensation is subject to federal and
5 state income tax;

6 (2) Requirements exist pertaining to estimated tax
7 payments;

8 (3) The individual may elect to have federal income tax
9 deducted and withheld from the individual's payment of
10 unemployment compensation at the amount specified in
11 the federal Internal Revenue Code;

12 (4) The individual may elect to have state income tax
13 deducted and withheld from the individual's payment of
14 unemployment compensation at the amount specified in
15 section 235-69;

16 (5) The individual may elect to have state and local
17 income taxes deducted and withheld from the
18 individual's payment of unemployment compensation for
19 other states and localities outside this State at the
20 percentage established by the state or locality, if
21 the department by agreement with the other state or



1 locality is authorized to deduct and withhold income
2 tax; and

3 (6) The individual shall be permitted to change a
4 previously elected withholding status [~~no more than~~
5 ~~onee~~] during a benefit year."

6 SECTION 7. Section 383-12, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§383-12] Requirement to post work availability online.~~
9 ~~To meet the online registration for work requirements under~~
10 ~~section 383-29(a), the department shall:~~

11 ~~(1) Allow an individual to post the required information~~
12 ~~independently on the department's internet job-~~
13 ~~matching system; or~~

14 ~~(2) Accept information provided by the individual in the~~
15 ~~form prescribed by the department, and enter the~~
16 ~~necessary information on the department's internet~~
17 ~~job-matching system for the individual.~~

18 ~~The employment office shall provide the necessary~~
19 ~~information to the unemployment office for the purpose of~~
20 ~~determining whether the individual's registration for work~~
21 ~~requirements have been met."]~~

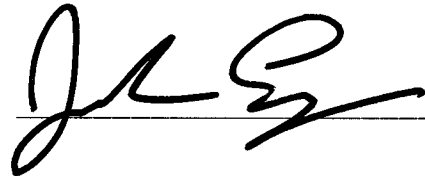


1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval;
4 provided that sections 4 and 5 shall take effect upon April 1,
5 2027.

6

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. L. E.", written over a horizontal line.

JAN 17 2025



H.B. NO. 477

Report Title:

Employment Security; Unemployment Benefits; Unemployment Claims;
Electronic Notification

Description:

Repeals the definition for "registered for work" or "registration for work" and repeals the requirement to post work availability online. Amends the qualifications for unemployed individuals who are able to receive certain unemployment benefits. Beginning 4/1/2027, permits electronic notification of determinations or redeterminations of unemployment claims. Removes language that limited an individual's ability to change a previously elected withholding status only once during a benefit year.

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

