

A Bill for an Act Relating to the Employment Security Law and Amending Chapter 93, Revised Laws of Hawaii 1955.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Failure of an employer to report in a timely manner to the department of labor and industrial relations with respect to the separation of an employee causes delays in payment of unemployment benefits to the considerable hardship of the unemployed individual. It is urgent that legislation be enacted immediately to prevent further hardship caused by late reports by providing additional inducements to employers to make their reports of separation promptly.

SECTION 2. The second paragraph of section 93-32, Revised Laws of Hawaii 1955, is amended to read as follows:

“If any employer fails to furnish the information necessary to determine whether and in what amount the claimant is entitled to benefits in the manner and within the time specified by this chapter or regulations of the department, the department shall make a determination based upon such information as is available. In the absence of fraud, any redetermination made on the basis of information furnished by the employer after the prescribed period shall be effective only as to benefits paid after the week in which the information was received. In the absence of a showing by the employer satisfying the department that he could not reasonably comply with the department’s requirement, any benefits overpaid prior to the effective date of the redetermination as a result of the employer’s failure to furnish the information as required shall be charged entirely against the account of the noncomplying employer; provided that the overpaid benefits shall not, in any event, be recoverable from the claimant.”

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

(Approved April 5, 1968.)