

ACT 40

H.B. NO. 2618-74

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 383-1 Definitions, generally.** As used in this chapter, unless the context clearly requires otherwise:

- (1) ‘Base period,’ with respect to benefit years beginning after June 30, 1951, means the four completed calendar quarters immediately preceding the first day of an individual’s benefit year.
- (2) ‘Benefits’ means the money payments payable to an individual, as provided in this chapter, with respect to his unemployment.

- (3) 'Benefit year' with respect to any individual means the one-year period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits and thereafter the one-year period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with section 383-32 shall be deemed a 'valid claim' for the purpose of this paragraph if the individual has satisfied the conditions required under section 383-29(5). Nothing in sections 383-29 and 383-30, except subsection 383-29(5), shall affect the filing of a 'valid claim' or the establishment of a 'benefit year.' For the purposes of this paragraph a week with respect to which an individual files a valid claim shall be deemed to be 'in,' 'within,' or 'during' that benefit year which includes the greater part of such week.
- (4) 'Department' means the department of labor and industrial relations.
- (5) 'Calendar quarter' means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof, as the department may by regulation prescribe.
- (6) 'Director' means the director of labor and industrial relations of the State.
- (7) 'Contributions' means the money payments required by this chapter to be made into the state unemployment compensation fund by any employing unit on account of having individuals in its employ.
- (8) 'Employing unit' means any individual or type of organization, including the State, any of its political subdivisions, any instrumentality of the State or its political subdivisions, any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had one or more individuals performing services for it within this State.
  - (A) All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be performing services for a single employing unit for all the purposes of this chapter.
  - (B) Each individual employed to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by the employing unit for all the purposes of this chapter, whether the individual was hired or paid directly by the employing unit or by such person, provided the employing unit had actual or constructive knowledge of the work.
- (9) 'Employer' means:
  - (A) Any employing unit which for some portion of a day within the

current calendar year has or had in employment one or more individuals; and

- (B) For the effective period of its election pursuant to section 383-77, any other employing unit which has elected to become subject to this chapter.
- (10) 'Employment office' means a free public employment office or branch thereof operated by the State or any other state as a part of a state-controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices.
- (11) 'Federal Unemployment Tax Act' means chapter 23 of subtitle C of the Internal Revenue Code of 1954.
- (12) 'Fund' means the unemployment compensation fund established by this chapter.
- (13) 'Insured work' means employment for employers.
- (14) 'Referee' means the referee for unemployment compensation appeals.
- (15) 'State' includes, in addition to the states of the United States, the District of Columbia, Puerto Rico, and Virgin Islands.
- (16) 'Unemployment.' An individual shall be deemed 'unemployed' in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full time work if the wages payable to him, with respect to such week are less than his weekly benefit amount. The department shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment, of individuals attached to their regular jobs, and other forms of short-time work, as the department deems necessary. 'Week of unemployment' means a week in which an individual is deemed unemployed.
- (17) 'Week' means any period of seven consecutive days as the department may by regulation prescribe.
- (18) 'American vessel' means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.
- (19) 'Weeks of employment' means all those weeks within each of which the individual has performed services in employment for one or more employers subject to this chapter or with respect to which he has received remuneration from one or more employers subject to this chapter in the form of vacation, holiday, or sickness pay or similar remuneration."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this act, the revisor of statutes need not include

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the brackets, the bracketed material or the underscoring.\*

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved May 24, 1974.)

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\*Edited accordingly.