

ACT 342

S.B. NO. 189

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-65, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Except as otherwise provided in subsection (b), benefits paid to an individual shall be charged against the accounts of the individual’s base period employers and the amount of benefits so chargeable against each base period employer’s account shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual by the employer bear to the total amount of base period wages paid to the individual by all of the individual’s base period employers. Benefits paid [in benefit years beginning after June 30, 1963,] shall be charged to employers’ accounts in the calendar year in which the benefits are paid.

(b) Benefits paid to an individual shall not be charged against the account of any of the individual’s base period employers on a contributory plan under section 383-61 when such benefits are:

- (1) Paid to an individual during any benefit year [beginning October 5, 1986, and thereafter,] if the individual:
  - (A) Left work voluntarily without good cause; or

- (B) Was discharged for misconduct connected with the individual's work; or
- (C) Left work voluntarily for good cause not attributable to the employer.

The chargeability of benefits to an employer's account shall be determined in accordance with section 383-94 and other applicable provisions of this chapter, or as may be otherwise specified by the department[.];

- (2) Paid to an individual, who, during the individual's base period, earned wages for part-time employment with an employer, if the employer continues to give the individual employment to the same extent while the individual is receiving benefits as during the base period and the employer establishes such fact to the satisfaction of the director of labor and industrial relations[.];
- (3) Paid to an individual for the period the individual is enrolled in and is in regular attendance at a vocational training or retraining course approved by the director pursuant to section 383-29[.];
- (4) Paid to an individual under the extended benefits program, sections 383-168 to 383-174; except that one-half of the amount of such benefits which are based on services performed for a governmental employer on a contributory plan shall be charged to the account of such employer[.];
- (5) Paid to an individual who qualifies to receive benefits by meeting the minimum earnings and employment requirements only by combining the individual's employment and wages earned in two or more states[.];
- (6) Benefits overpaid to a claimant as a result of ineligibility or disqualification under sections 383-29 and 383-30 unless such overpayment resulted from the employer's failure to furnish information as required by this chapter or the rules of the department[.]; or
- [(7) Paid to an individual with respect to wages paid for previously uncovered services as defined in section 383-22(b) or for services for which an exclusion was granted pursuant to section 383-78, but only to the extent that the fund is reimbursed for such benefits by the federal government pursuant to section 121 of Public Law 94-566.]
- (7) Benefits paid to an individual during any benefit year beginning September 13, 1992 and thereafter shall not be charged to the account of any base period employer from whose employment the individual is separated as a direct result of a major disaster and would have been entitled to disaster unemployment assistance under the Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707) but for the receipt of unemployment insurance benefits paid under this chapter; provided that the employer must petition for relief of any charges to an employer's reserve account as requested by the department and the director approves granting relief of charges."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 30, 1993.)