

ACT 13

H.B. NO. 2576

A Bill for an Act Relating to Employment Security Law.

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

SECTION 1. Section 383-69, Hawaii Revised Statutes, is amended to read as follows:

“§383-69 Procedure for rate determination. The department of labor and industrial relations, as soon as is reasonably possible in each period, shall make its classification of employers for ~~[such]~~ the period and notify each employer of the employer’s rate of contributions for ~~[such]~~ the period as determined pursuant to sections 383-63 to 383-69. The determination shall become conclusive and binding upon the employer unless~~;~~ the employer appeals the determination by filing a written notice of appeal within fifteen days after the mailing of notice ~~[thereof]~~ of the determination to the employer’s last known address~~;~~ or in the absence of mailing within fifteen days after the delivery of the notice to

the employer, the employer files an application for review and redetermination, setting forth the employer's reasons therefor. If the department grants the review, the employer shall be promptly notified thereof and shall be granted an opportunity for a fair hearing.]. The appeal shall be heard by the referee in accordance with applicable provisions of sections 383-38 and 383-39 but no employer shall have standing, in any proceeding involving the employer's rate of contributions or contribution liability, to contest the chargeability to the employer's account of any benefits paid in accordance with a determination, redetermination, or decision pursuant to sections 383-31 to 383-43; provided that the services on the basis of which the benefits were found to be chargeable did not constitute services performed in employment for the employer and only [in the event that] if the employer was not a party to the determination, redetermination, or decision, or to any other proceedings under this chapter in which the character of the services was determined. [The employer shall be promptly notified of the department's denial of the employer's application, or of the department's redetermination, both of which] The referee's determination shall become final unless a proceeding for judicial review in the manner provided in chapter 91 is commenced in the circuit court of the judicial circuit in which the employer resides or has the employer's principal place of business or in the circuit court of the first judicial circuit. [The proceedings shall be heard in a summary manner and shall be given precedence over all other civil actions, except for proceedings arising under section 383-41 and the workers' compensation law of the State.] An appeal may be taken from the decision of the circuit court to the intermediate appellate court, subject to chapter 602."

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

SECTION 3. This Act shall take effect on July 1, 2012.

(Approved April 10, 2012.)