



GOV. MSG. NO. 790

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 2, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 2, 2009, the following bill was signed into law:

SB1568 SD2 HD1

A BILL FOR AN ACT
RELATING TO UNEMPLOYMENT INSURANCE.
ACT 171 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT INSURANCE.

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

1 SECTION 1. Chapter 383, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§383- Part-time work; benefits available.

5 Notwithstanding any law to the contrary under this chapter, an
6 individual shall not be denied regular unemployment benefits
7 relating to availability for work, active search for work, or
8 refusal to accept work, solely because the individual is seeking
9 only part-time work; provided that this section shall not apply
10 if a majority of the weeks of work in the individual's base
11 period does not include part-time work.

12 §383- Separation for compelling family reason. (a) An
13 individual shall not be disqualified from regular unemployment
14 benefits for separating from employment if that separation is
15 for a compelling family reason.

16 For purposes of this section, the term "compelling family
17 reason" means any of the following:



1 (1) Domestic or sexual violence that is verified by
2 reasonable and confidential documentation that causes
3 the individual to reasonably believe that the
4 individual's continued employment may jeopardize the
5 safety of the individual or any member of the
6 individual's immediate family (as defined by the
7 United States Secretary of Labor), including any of
8 the following circumstances:

9 (A) The individual has a reasonable fear of the
10 occurrence of future domestic or sexual violence
11 at, en route to, or en route from the
12 individual's place of employment, including being
13 a victim of stalking;

14 (B) The anxiety of the individual to relocate to
15 avoid future domestic or sexual violence against
16 the individual or the individual's minor child
17 prevents the individual from reporting to work;

18 (C) The need of the individual or the individual's
19 minor child to obtain treatment to recover from
20 the physical or psychological effects of domestic
21 or sexual violence prevents the individual from
22 reporting to work;



- 1 (D) The employer's refusal to grant the individual's
2 request for leave to address domestic or sexual
3 violence and its effects on the individual or the
4 individual's minor child, including leave
5 authorized by Section 102 of the Federal Family
6 and Medical Leave Act of 1993, Public Law 103-3,
7 as amended, or other federal, state, or county
8 law; or
- 9 (E) Any other circumstance in which domestic or
10 sexual violence causes the individual to
11 reasonably believe that separation from
12 employment is necessary for the future safety of
13 the individual, the individual's minor child, or
14 other individuals who may be present in the
15 employer's workplace;
- 16 (2) Illness or disability of a member of the individual's
17 immediate family (as defined by the United States
18 Secretary of Labor); or
- 19 (3) The need for the individual to accompany the
20 individual's spouse, because of a change in the
21 location of the spouse's employment, to a place from



1 which it is impractical for the individual to commute
2 to work.

3 (b) The department may request as reasonable and
4 confidential documentation under subsection (a)(1) the following
5 evidence:

6 (1) A notarized written statement of the individual
7 attesting to the status of the individual or the
8 individual's minor child as a victim of domestic or
9 sexual violence and explaining how continued
10 employment creates an unreasonable risk of further
11 violence;

12 (2) A signed written statement from:

13 (A) An employee, agent, or volunteer of a victim
14 services organization;

15 (B) The individual's attorney or advocate;

16 (C) A minor child's attorney or advocate; or

17 (D) A medical or other professional from whom the
18 individual or the individual's minor child has
19 sought assistance related to the domestic or
20 sexual violence,



1 attesting to the domestic or sexual violence and
2 explaining how the continued employment creates an
3 unreasonable risk of further violence; or

4 (3) A police or court record suggesting or demonstrating
5 that the continued employment may cause an
6 unreasonable risk of further violence.

7 (c) All information provided to the department pursuant to
8 this section, including any statement of the individual or any
9 other documentation, record, or corroborating evidence
10 discussing or relating to domestic or sexual violence, and the
11 fact that the individual has applied for, inquired about, or
12 obtained unemployment compensation by reason of this section
13 shall be retained in the strictest confidence by the
14 individual's former or current employer, and shall not be
15 disclosed except to the extent that disclosure is requested or
16 consented to by the employee, ordered by a court or
17 administrative agency, or otherwise required by applicable
18 federal or state law.

19 (d) As used in this section, the terms "domestic or sexual
20 violence," "stalking," and "victim services organization" shall
21 have the same meaning as in section 378-71."

22



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect on July 1, 2009.

APPROVED this 2 day of JUL , 2009



GOVERNOR OF THE STATE OF HAWAII