

JAN 18 2024

A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT BENEFITS.

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

1 SECTION 1. Section 383-30, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§383-30 Disqualification for benefits.** An individual
4 shall be disqualified for benefits:

5 (1) Voluntary separation. For any week prior to
6 October 1, 1989, in which the individual has left work
7 voluntarily without good cause, and continuing until
8 the individual has, subsequent to the week in which
9 the voluntary separation occurred, been employed for
10 at least five consecutive weeks of employment. For
11 the purposes of this paragraph, "weeks of employment"
12 means all those weeks within each of which the
13 individual has performed services in employment for
14 not less than two days or four hours per week, for one
15 or more employers, whether or not such employers are
16 subject to this chapter. For any week beginning on
17 and after October 1, 1989, in which the individual has



1 left the individual's work voluntarily without good
2 cause, and continuing until the individual has,
3 subsequent to the week in which the voluntary
4 separation occurred, been paid wages in covered
5 employment equal to not less than five times the
6 individual's weekly benefit amount as determined under
7 section 383-22(b).

8 An owner-employee of a corporation who brings
9 about the owner-employee's unemployment by divesting
10 ownership, leasing the business interest, terminating
11 the business, or by other similar actions where the
12 owner-employee is the party initiating termination of
13 the employment relationship, has voluntarily left
14 employment.

15 (2) Discharge or suspension for misconduct. For any week
16 prior to October 1, 1989, in which the individual has
17 been discharged for misconduct connected with work,
18 and continuing until the individual has, subsequent to
19 the week in which the discharge occurred, been
20 employed for at least five consecutive weeks of
21 employment. For the week in which the individual has



1 been suspended for misconduct connected with work and
2 for not less than one or more than four consecutive
3 weeks of unemployment which immediately follow such
4 week, as determined in each case in accordance with
5 the seriousness of the misconduct. For the purposes
6 of this paragraph, "weeks of employment" means all
7 those weeks within each of which the individual has
8 performed services in employment for not less than two
9 days or four hours per week, for one or more
10 employers, whether or not such employers are subject
11 to this chapter. For any week beginning on and after
12 October 1, 1989, in which the individual has been
13 discharged for misconduct connected with work, and
14 until the individual has, subsequent to the week in
15 which the discharge occurred, been paid wages in
16 covered employment equal to not less than five times
17 the individual's weekly benefit amount as determined
18 under section 383-22(b).

19 (3) Failure to apply for work, etc. For any week prior to
20 October 1, 1989, in which the individual failed,
21 without good cause, either to apply for available,



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1 suitable work when so directed by the employment
2 office or any duly authorized representative of the
3 department of labor and industrial relations, or to
4 accept suitable work when offered and continuing until
5 the individual has, subsequent to the week in which
6 the failure occurred, been employed for at least five
7 consecutive weeks of employment. For the purposes of
8 this paragraph, "weeks of employment" means all those
9 weeks within each of which the individual has
10 performed services in employment for not less than two
11 days or four hours per week, for one or more
12 employers, whether or not such employers are subject
13 to this chapter. For any week beginning on and after
14 October 1, 1989, in which the individual failed,
15 without good cause, either to apply for available,
16 suitable work when so directed by the employment
17 office or any duly authorized representative of the
18 department of labor and industrial relations, or to
19 accept suitable work when offered until the individual
20 has, subsequent to the week in which the failure
21 occurred, been paid wages in covered employment equal



1 to not less than five times the individual's weekly
2 benefit amount as determined under section 383-22(b).

3 (A) In determining whether or not any work is
4 suitable for an individual there shall be
5 considered among other factors and in addition to
6 those enumerated in paragraph (3)(B), the degree
7 of risk involved to the individual's health,
8 safety, and morals, the individual's physical
9 fitness and prior training, the individual's
10 experience and prior earnings, the length of
11 unemployment, the individual's prospects for
12 obtaining work in the individual's customary
13 occupation, the distance of available work from
14 the individual's residence, and prospects for
15 obtaining local work. The same factors so far as
16 applicable shall be considered in determining the
17 existence of good cause for an individual's
18 voluntarily leaving work under paragraph (1).

19 (B) Notwithstanding any other provisions of this
20 chapter, no work shall be deemed suitable and
21 benefits shall not be denied under this chapter



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1 to any otherwise eligible individual for refusing
2 to accept new work under any of the following
3 conditions:

4 (i) If the position offered is vacant due
5 directly to a strike, lockout, or other
6 labor dispute;

7 (ii) If the wages, hours, or other conditions of
8 the work offered are substantially less
9 favorable to the individual than those
10 prevailing for similar work in the locality;

11 or

12 (iii) If as a condition of being employed the
13 individual would be required to join a
14 company union or to resign from or refrain
15 from joining any bona fide labor
16 organization.

17 ~~[(4) Labor dispute. For any week with respect to which it~~
18 ~~is found that unemployment is due to a stoppage of~~
19 ~~work which exists because of a labor dispute at the~~
20 ~~factory, establishment, or other premises at which the~~



1 ~~individual is or was last employed; provided that this~~
2 ~~paragraph shall not apply if it is shown that:~~

3 ~~(A) The individual is not participating in or~~
4 ~~directly interested in the labor dispute which~~
5 ~~caused the stoppage of work; and~~

6 ~~(B) The individual does not belong to a grade or~~
7 ~~class of workers of which, immediately before the~~
8 ~~commencement of the stoppage, there were members~~
9 ~~employed at the premises at which the stoppage~~
10 ~~occurs, any of whom are participating in or~~
11 ~~directly interested in the dispute; provided that~~
12 ~~if in any case separate branches of work, which~~
13 ~~are commonly conducted as separate businesses in~~
14 ~~separate premises, are conducted in separate~~
15 ~~departments of the same premises, each such~~
16 ~~department shall, for the purpose of this~~
17 ~~paragraph, be deemed to be a separate factory,~~
18 ~~establishment, or other premises.]~~

19 ~~(5)~~ (4) If the department finds that the individual has
20 within the twenty-four calendar months immediately
21 preceding any week of unemployment made a false



1 statement or representation of a material fact knowing
2 it to be false or knowingly failed to disclose a
3 material fact to obtain any benefits not due under
4 this chapter, the individual shall be disqualified for
5 benefits beginning with the week in which the
6 department makes the determination and for each
7 consecutive week during the current and subsequent
8 twenty-four calendar months immediately following such
9 determination, and such individual shall not be
10 entitled to any benefit under this chapter for the
11 duration of such period; provided that no
12 disqualification shall be imposed if proceedings have
13 been undertaken against the individual under section
14 383-141.

15 [~~4~~] (5) Other unemployment benefits. For any week or
16 part of a week with respect to which the individual
17 has received or is seeking unemployment benefits under
18 any other employment security law, but this paragraph
19 shall not apply[:]



1 (A) If the appropriate agency finally determines that
2 the individual is not entitled to benefits under
3 such other law; or

4 (B) If benefits are payable to the individual under
5 an act of Congress which has as its purpose the
6 supplementation of unemployment benefits under a
7 state law."

8 SECTION 2. Section 383-44, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Determinations or redeterminations dated on or after
11 October 1, 2013, that an individual has been overpaid benefits
12 under any state or federal unemployment compensation program and
13 is disqualified under section [~~383-30(5)~~] 383-30(4) shall
14 include a penalty assessment amount equal to fifteen per cent of
15 the overpaid amount. Penalty assessments collected under this
16 section shall be deposited in the unemployment compensation
17 fund."

18 SECTION 3. Section 383-141, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§383-141 Falsely obtaining benefits, etc.** Whoever makes
21 a false statement or representation knowing it to be false or



1 knowingly fails to disclose a material fact, to obtain or
2 increase any benefit or other payment under this chapter or
3 under the unemployment compensation law of any state or of the
4 federal government, either for oneself or for any other person,
5 shall be charged with a misdemeanor if the value of the benefit
6 obtained or increased is \$300 or less, or shall be charged with
7 a class C felony if the value of the benefit obtained or
8 increased exceeds \$300; and each such false statement or
9 misrepresentation or failure to disclose a material fact shall
10 constitute a separate offense; provided that no fine or
11 imprisonment shall be imposed in any case in which
12 disqualification has been determined under section [~~383-30(5).~~]
13 383-30(4)."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

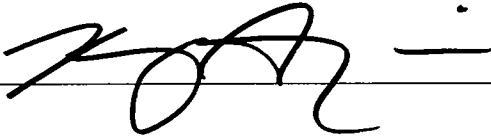
17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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Report Title:

Unemployment Benefits; Striking Workers; Eligibility

Description:

Allows striking workers to be eligible for unemployment benefits.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

