



# HAWAII WORKERS CENTER

July 9, 2020  
UPDATES

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Unemployed workers including COFA migrants are encountering difficulties and problems on their unemployment insurance claims. The training aims to discuss this issue and provide participants the knowledge to help the workers in dealing with this issue.

*The information provided in this presentation and materials are for legal information only and is not intended to replace legal advice. Each situation is different and you may want to consult a private attorney about your case.*

# Who Qualifies?

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Department of Labor & Industrial Relations: Unemployment Insurance Division

<https://labor.hawaii.gov/ui/>

“Unemployment benefits provide you with temporary income when you lose your job through no fault of your own. The money partly replaces your lost earnings and helps you pay expenses while looking for new work.”

- Workers who can legally work in the United States (lawful permanent residents, immigrants with employment authorizations documents, COFA migrants).
- Normally, you disqualify for unemployment insurance if you:
  - a. Voluntarily quit your job.
  - b. Fired for Misconduct;
  - Fail to look for work or accept suitable job offer;
  - Misrepresentation of material fact or false statement (disqualified for 24 months).

# Eligibility (Unemployment Insurance)

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## YES

- Covid-19 and/or the stay at home/work from home order caused my employer to shut down or lay-off people.
- I am still working, but my employer reduced my hours.
- I am self-employed or an independent contractor.
- I quit my job to care for my family member who is sick with covid-19.

## NO

- I am not working, but my employer is still paying me.
- I am not working, but my employer is paying me sick and/or vacation leave.
- My workplace is closed, but am teleworking because of covid-19.

# Eligibility

## (Pandemic Unemployment Assistance)

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- Federal program administered by the State of Hawaii
- You are self-employed and have not earned any wages from any employer in the last 18 months; or
- You have been diagnosed with COVID-19 or are experiencing symptoms of COVID-19 and are seeking a medical diagnosis; or
- You are caring for a household member who has been diagnosed with COVID-19; or
- You are the primary caretaker of a child or other individual that is unable to attend school or other facility that is closed as a direct result of COVID-19; or
- You lack sufficient work history (not enough wages reported for the last 18 months for a regular UI claim);
- You have exhausted all rights to regular UC or extended benefits;
- You were denied regular UC on the basis that you did not have enough wages or wages in two calendar years quarters; or
- You are a bona fide independent contractor that has not earned any wages from any employer in the last 18 months.
- <https://labor.hawaii.gov/covid-19-pandemic-unemployment-assistance-faqs/>

# Eligibility (Pandemic Unemployment Assistance)

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- Provides 39 weeks of benefits to qualified applicants.
- Benefit payments under PUA are retroactive, for weeks of unemployment, partial employment, or inability to work due to COVID-19 reasons starting on or after January 27, 2020.
- PUA can be paid for weeks of unemployment from January 27, 2020 to December 31, 2020.
- Apply for PUA online at [pua.hawaii.gov](https://pua.hawaii.gov). The State of Hawaii is requiring that all applicants first apply for and be denied unemployment insurance.

# Eligibility

## (Pandemic Emergency Unemployment Compensation (PEUC))

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- PEUC provides an additional 13 weeks of unemployment compensation benefits ending December 31, 2020.
- Anyone applying for PEUC must have an existing account at <http://huiclaims.hawaii.gov> and apply online.

Those eligible for PEUC are those who:

- Have exhausted all rights to regular compensation under state law or federal law with respect to a benefit year that ended on or after July 1, 2019;
- Have no rights to regular compensation with respect to a week under any other state or federal law, or to compensation under any other federal law;

# Federal Unemployment Compensation

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- FPUC provides an additional \$600 per week. FPUC began after March 27, 2020 and ends July 31, 2020.

There is no application process for FPUC.

Those eligible for FPUC are the following recipients of:

- Unemployment Insurance
- Pandemic Unemployment Insurance
- Pandemic Emergency Unemployment Compensation
- Unemployment Compensation for Federal Employees (UCFE);

# Updates July 9, 2020

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No. of claims filed statewide:	250,226
No. of invalid claims filed statewide:	- 73,438
No. of valid claims awaiting claimant to verify:	- 10,436
No. of valid claims requiring DLIR action	166,352
No. of claims paid:	151,071
No. of claims requiring DLIR action 7/8/20	15,281

Since March 1, 2020: \$2,002,048,122 has been paid out and 1,880,563 weeks claimed since the onset of the COVID-19 Pandemic



# Updates July 9, 2020

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“One major issue preventing claimants from receiving benefits is the use of devices with out-of-state IPs (Internet Protocol address) or Virtual Private Network (VPN) software,” said Deputy Perreira-Eustaquio. “Benefits are stopped when it appears claimants are filing outside of Hawaii so claimants should allow the system to detect their location when filing certifications.”

**The Department’s operations continue to evolve including the following common issues:**

- Persons working full-time and therefore ineligible for benefits but filing for the loss of part-time work,
- Incorrect deposit information supplied by claimants,
- No weekly certifications filed by claimants,
- Claim backdate issues,
- Separation from work that requires investigation,
- Not allowing location information while filing certifications,
- Claimants that have filed multiple claims, and
- Failure to create a username and password in the claimant online portal.

# File Weekly Claims

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In similar fashion to unemployment insurance, you must file weekly claims to continue to receive benefits as well as to notify the government when you return to work and no longer needs assistance.

Visit [www.legalaidhawaii.org](http://www.legalaidhawaii.org) or @legalaidhawaii on Facebook for translated videos.

# Denials & Appeals

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- **Email: [dliir.ui.disqualified@hawaii.gov](mailto:dliir.ui.disqualified@hawaii.gov)**

This email address is for those who have received an email, letter, or other message (screenshot) that says that they are disqualified from UI. Individuals are to submit their full name, last four digits of their Social Security Number, telephone number (including area code), and a screenshot of their disqualification.

- **Call (833) 901-2275 or your local office.**
- **Keep a record of any communications with the office.**
- If you are denied benefits and disagree with the **“Notice of Decision on Unemployment Insurance Claim,”** you may request reconsideration and/or file an appeal to the Employment Security Appeals Referees’ Office (ESARO) within **10 calendar days** after the determination or redetermination was mailed to you.
- The appeal period may be extended to 30 calendar days for good cause by ESARO. If you file an appeal or request reconsideration, do not stop filing your claim certifications. File your appeal online at **<http://uiclaims.hawaii.gov>** or submit your appeal directly to ESARO.

# DLIR: UNEMPLOYMENT INSURANCE

## I. HOW TO CREATE UI ACCOUNT

Visit: <https://huiclaims.hawaii.gov/#/login>

- Keep your password/username in a safe area either on your electronic device or on a piece of paper.
- Keep your security questions handy in case you need to reset your password/username.

### A. Creating a UI Account - FAQ

#### i. IF YOU HAVE AN EXISTING ACCOUNT FROM THE PREVIOUS YEARS, AND A MESSAGE SHOWS "PROFILE ERROR"

Contact your local office immediately. There may be an issue with your personal profile. Change of marital status, address, name, and/or other personal information needs to be reported.

#### ii. MESSAGE SHOWS: "HIGH VOLUME, PLEASE TRY AGAIN LATER" WHEN I TRY TO LOG IN.

Please wait 3-5 minutes and try to log in again. If the message still shows, wait another 5-10 minutes before logging in.

#### iii. I FORGOT MY PASSWORD/USERNAME FOR MY UI ACCOUNT, WHAT DO I DO?

You can reset password/username online however, if you experience security question troubles, you will need to contact your local office to verify personal information.

#### iv. I WAS ABLE TO LOG IN TO MY ACCOUNT, WHAT DO I DO NEXT?

You will need to file an initial claim (under the Task List) to determine if you are eligible for UI and your weekly benefit amount that you will be allotted. After the initial claim has been submitted, please wait 3-5 business days for the claim to be processed. You should be receiving a letter in the mail stating that you qualify or are disqualified. Your UI account will also be updated as well.

#### v. I RECENTLY CREATED AN ACCOUNT AND NEED TO COLLECT FOR PREVIOUS WEEKS AND I HAVE BEEN RECEIVING MESSAGES THAT THE WEEKS I WANT TO CLAIM IS NOT IN MY BENEFIT YEAR?

You can email or contact the Department of Labor and Industrial Relations ([dlir.ui.backdate@hawaii.gov](mailto:dlir.ui.backdate@hawaii.gov)) to request to backdate to a certain date. Claimants may only backdate until March 1, 2020. Keep in mind that the waiting period to backdate is approximately one month due to number of claimants requesting to backdate.

#### vi. I RECEIVED A DISQUALIFICATION LETTER FROM THE DLIR STATING THAT MY EARNINGS IS GREATER THAN MY WEEKLY BENEFIT AMOUNT.

If you are disqualified and not able to collect, you may be eligible to apply for PUA (Pandemic Unemployment Assistance Program). Keep in mind, if you were disqualified because your income is over your weekly benefit amount, you may not be eligible for PUA. The minimum amount of weekly assistance an individual may receive is \$263 and the maximum is \$648. If your income goes over PUA's weekly assistance amount, you are ineligible to collect.

#### vii. I RECEIVED A DISQUALIFICATION LETTER DUE TO THE LACK OF 2 QUARTERS IN MY BASE PERIOD.

Claimants must work through a total of 2 quarters or 6 months in order to be eligible for UI. The quarters are from JAN-MARCH, APRIL-JUNE, JULY-SEPT, OCT-DEC. You may also request the unemployment office to check your wages from your Alternate Base Period (ABP) to see if you are eligible. You may be eligible to file for PUA once you have been denied collecting from UI.

#### viii. I RECENTLY MOVED TO ANOTHER STATE BECAUSE I'M UNABLE TO AFFORD TO LIVE IN HAWAII, DO I STILL QUALIFY?

Yes, you are eligible to collect unemployment however, you need to contact your local office to ensure your information is correct on your application.

## II. FILING CLAIM CERTIFICATIONS

Once your initial claim has been filed and processed. You are now able to proceed to File Claim Certifications.

#### ix. MY INITIAL CLAIM WAS PROCESSED AND I RECEIVED A WEEKLY BENEFIT AMOUNT, WHAT DO I DO NEXT?

You are now able to file Claim Certifications. Please log on to your UI account and click "File a Claim Certification" under the Task List.

Instructional Video on how to file claim certifications:

<http://labor.hawaii.gov/ui/filing-an-unemployment-claim-certification/>

#### x. HOW DO I KNOW WHAT CLAIM CERTIFICATION TO FILE?

There are three types of claim certifications"

- Claim Certification
  - You are claiming full because you were laid-off of work due to covid-19 or currently quit your job due to covid-19.
- Partial Claim Certification
  - You are still employed but have been given reduced hours. If you are claiming partial, please ensure that your income for the week does not exceed your weekly benefit amount.
- New Employment on Claim Certifications



- You are currently working with a new employer and no longer work with your previous employer.

Keep in mind, when you file for partial unemployment, a percent of your earnings will be deducted from your weekly benefit amount. Also, if you work 40 hours but make under your weekly benefit amount, you will still be disqualified for that week.

#### **xi. WHAT IS A CLAIM CERTIFICATION?**

A claim certification is a form that you must submit consisting of questions that will ask:

- The week-ending date being claimed
- Did you perform any work during the week? (Include self-employment, weekend drill, active duty for the National Guards or Reserves, and part-time or full-time work)
- Did you receive residual pay, commissions, or other deductible income such as bonuses, or back pay?
- Did you refuse a new offer of work or referral to work?
  - If you answer no, you will automatically be disqualified to collect. There are some circumstances that may bypass this question. Please contact your local office to clarify as to why you answered no.
- Were you sick, disabled, or impaired in any way that would have prevented you from seeking or accepting work?
- Were you available for work?
  - Always answer yes. Due to the pandemic, DLIR understand that claimants may not be available for work however, we urge all claimants to click yes. If you click no, there will be a delay in your applications and a specialist will need to verify some information regarding your employment.
- Will you be referred to your next job by a labor union approved by the Department of Labor?
- Did you post an online resume on HireNet Hawaii?
  - We urge claimants to answer yes. DLIR has waived this requirement due to COVID-19 however, at this time, DLIR is unable to remove the question from the website.
- Did you look for work?
  - We urge claimants to answer yes. DLIR has waived this requirement due to COVID-19 however, at this time, DLIR is unable to remove the question from the website.
- How many employers did you contact?
  - We urge claimants to put 3+ contacts.
- Are you keeping a written record of your job contacts?
  - We urge claimants to put yes.
- Your contact phone number

#### **xii. Partial Claim Certification Questions:**

- Did you work for (current employer) during the week?
- Enter the gross dollar amount earned
- Did you refuse work from your current employer?
- Were you still employed by current employer as of XX/XX/XXXX?
- Last day worked?
- Reason for separation and explain.

Please submit your claim certification and a confirmation number will be sent to your email. If you did not receive a confirmation number, you will need to re-submit your claim certifications. Please wait 3-5 business days for your claim certifications to be processed.

#### **xiii. IT HAS BEEN MORE THAN 3-5 BUSINESS DAYS AND MY CLAIMS HAVE BEEN PENDING.**

There may be an issue on your account that needs attention. Log on to your UI account and click on your Claim Inquiry. There should be a message as to why your claim is still pending. If not, there may be a delay in the system, and you will need to wait a few more business days.

#### **xiv. I CHECKED MY ACCOUNT AND IT SAYS PENDING WEEKLY REPORT OF LOW EARNINGS**

You will need to contact your employer to request that a low-earning report be submitted to the Unemployment Office. All employers should have an account with the Department of Labor and Industrial Relations Unemployment Insurance. If your employer has submitted, it will probably take a few business days to process. If the employer has already filed your low earning report, then you(claimant) will probably need to report how much hours you have worked even if the amount is zero.

#### **xv. MY UI ACCOUNT SAYS DISQUALIFICATION DUE TO YOUR JOB SEPARATION**

If you recently quit your job due to COVID-19, you are eligible to file claim certifications. However, you will need to wait for a claim examiner to contact you to collect more information on this issue. If you quit your job under another circumstance, a claim examiner will investigate on whether to approve claimants to collect or to not collect.

#### **xvi. MY UI ACCOUNT SAYS PENDING AND DOES NOT SHOW ANY MESSAGE.**

You will need to contact the UI hotline number or unemployment insurance office to see what the issue is and why there is a delay. You will also need to wait for claim examiner to contact you.

# Denials & Appeals

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- Prepare and file a signed written statement. It is not necessary to write a detailed appeal or to have all of your evidence available in order to file the appeal. A short explanation is sufficient for the purposes of filing the appeal. Be sure to include your name, current address and telephone number, and if applicable, social security number in your appeal statement.
- File your appeal statement with the UI claims office or the Employment Security Appeals Referees Office (ESARO)\*. Important: You must include a copy of the determination or notice when you file the appeal with the ESARO.
- When: Within the statutory time period stated on the determination or notice. You must file your appeal before the appeal period expires. If your appeal is not filed on time, you risk having your appeal dismissed and losing an opportunity to have a hearing on the merits of the case. If the postmarked date on the envelope does not match the mailing date shown on the determination/notice, you should retain the envelope for proof of the beginning date of the appeal period.

# Denials & Appeals

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- The UI local office will send documents that are relevant to the appeal to the ESARO to make up the appeal case file. **ESARO sets a hearing date and will send notice of the date, time, place of hearing, and the issue(s) to be heard to all the parties.** Fifteen (15) days notice is given which results in a hearing likely to be scheduled between 19 to 24 days after ESARO receives your appeal.
- The appeal will be decided on the information the UI Division provided for the **case file and all relevant testimony and evidence provided to the appeals officer at the hearing.** It is each parties' responsibility to present the evidence and testimony necessary to prove their case. The hearing before the appeals officer is the only chance you will have to tell your story. Unless you have good cause for not presenting evidence at the hearing, the appeals officer will not allow another hearing.

# Denials & Appeals

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- Review the determination to understand how the claims examiner or auditor arrived at his/her ruling.
- Consider whether the facts are correct and complete. Make chronological notes about the factual events concerning the matter (issue) on appeal.
- Gather and make copies of papers that relate to the issue, i.e., pay statements, employment agreement, doctor's certificate, time cards, warning notices, company policy, etc. Be prepared to offer the document(s) as evidence at the hearing to prove a relevant matter in dispute. Decide if you need witnesses who have first hand knowledge about the events in question and arrange for them to participate in the hearing.
- **You have the right to look at your file and make copies if needed. You can look at your employer's reasons for disagreeing with your claim and be prepared to counter them.**



# Appeals Hearing

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- Hearings are recorded and conducted by an impartial appeals officer. The purpose of the hearing is to decide whether the UI determination about the claimant's benefit entitlement should be affirmed, reversed, or modified. The appeals officer will decide the case after considering the testimony of all witnesses and other evidence.
- The **hearing process is informal**, but there is an orderly procedure which the appeals officer will explain. If you have any questions at any time during the hearing, ask the appeals officer for assistance.
- Normally 30-60 minutes
- The appeals officer will mail a written decision to all parties as soon as possible. The decision will contain the appeals officer's findings, reasons and conclusions.
- If you do not agree, you can request to reopen within 30 days. If have new information, you must have good reason why it wasn't provided.

# UNEMPLOYMENT SERVICES CONTACT INFORMATION

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**Backdate:** [dliir.ui.backdate@hawaii.gov](mailto:dliir.ui.backdate@hawaii.gov)

This email address is for those who would like to have their claim backdated. The backdate will be for their first week of less than full employment due to COVID-19. Individuals are to submit their full name, last four digits of their Social Security Number, telephone number (including area code), and the week that they would like their claim backdated to.

**Language Access:** [dliir.ui.languageassistance@hawaii.gov](mailto:dliir.ui.languageassistance@hawaii.gov)

This email address is for those who would like to request language assistance from UI. Individuals are to submit their full name, telephone number (including area code), and the language that would like to receive interpretation services for. The interpretation services would be provided free of charge and via telephone.

The DLIR must provide you language access and provide an interpreter over the phone or in person.

# UNEMPLOYMENT SERVICES CONTACT INFORMATION

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**HUI PASSWORD RESET: (833) 901-2272**

**UI GENERAL QUESTIONS: (833) 901-2275**

**CALL YOUR LOCAL UI OFFICE AT:**

Oahu: (808) 586-8970

Hilo: (808) 974-4086

Kona: (808) 322-4822

Maui: (808) 984-8400

Kauai: (808) 274-3043

**EMAIL YOUR LOCAL UI OFFICE AT:**

Oahu: [dliir.ui.oahu@hawaii.gov](mailto:dliir.ui.oahu@hawaii.gov)

Hilo: [dliir.ui.hilo@hawaii.gov](mailto:dliir.ui.hilo@hawaii.gov)

Kona: [dliir.ui.kona@hawaii.gov](mailto:dliir.ui.kona@hawaii.gov)

Maui: [dliir.ui.maui@hawaii.gov](mailto:dliir.ui.maui@hawaii.gov)

Kauai: [dliir.ui.kauai@hawaii.gov](mailto:dliir.ui.kauai@hawaii.gov)

# Contact your elected officials

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## Federal Agencies

### US Senators

- Brian Schatz  
(808) 523-2061
- Mazie Hirono  
(808) 522-8970

### US Representatives

- Ed Case  
(808) 650-6688
- Tulsi Gabbard  
(808) 541-1986

## State and County Elected Officials

<https://www.capitol.hawaii.gov/house.aspx>

### Public Access Room (PAR)

(808) 587-0478

### Honolulu County

<https://www.oneoahu.org/>



**LEGAL AID**  
**SOCIETY OF HAWAI'I**



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**MONDAY-FRIDAY**

**9:00 AM - 11:30 AM & 1:00 PM - 3:30 PM**

**808-536-4302 (OAHU)**

**1-800-499-4302 (NEIGHBOR ISLANDS)**

- **RESOURCES AND INTERPRETERS AVAILABLE IN CHUUKESE, MARSHALLESE, KOSRAEAN, FILIPINO**
- **FOCUS ON ASSISTING THOSE WITH LIMITED ENGLISH PROFICIENCY OR ARE DISABLED**

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

Facebook Live: Legal Aid Society of Hawaii

# Court Self-Help Centers

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Remote services are now available for the court self-help centers statewide. Please call the appropriate phone number on your island. Your call will be answered by an AmeriCorps Advocate who will connect you with the attorney.

**Kona:** The Kona Court Self-Help Center will provide legal help to the West Hawaii community on a pilot basis on Wednesdays (except holidays) from 11 a.m. to 1 p.m. Please call **808-437-7557**.

**Hilo:** The Hilo Court Self-Help Center will provide legal help to the East Hawaii community on a pilot basis Tuesdays and Friday (except holidays) from 11:15 a.m. to 12:45 p.m. Please call **808-746-5363**.

**Honolulu:** The Honolulu District Court Access to Justice Room will provide legal help to the Oahu community on a pilot basis Mondays, Wednesdays, and Fridays (except holidays) from 9 a.m. to 1 p.m. Please call **808-538-5629**.

**Maui:** The Maui Court Self-Help Center will provide legal help to the community on a pilot basis on Mondays and Thursdays (except holidays) from 10 a.m. to 1 p.m. Please call **808-707-7153**.

**Kauai:** The Kauai Court Self-Help Center will provide legal help to the Garden Island community on a pilot basis Mondays and Thursdays (except holidays) from 10 a.m. to noon. Please call **808-698-7552**.



# HAWAII WORKERS CENTER

UI Questions?

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<https://www.hawaiiworkerscenter.org/>

(503) 967-5377