

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Unemployment Insurance Division
830 Punchbowl Street, Room 437
Honolulu, Hawaii 96813
Phone (808) 586-8914 FAX(808)586-8929

WAIVER OF EMPLOYER'S EXPERIENCE RECORD

The Department of Labor and Industrial Relations is hereby notified that the undersigned successor employing unit succeeded to or acquired the organization, trade, or business, or substantially all the assets thereof, and continues to employ all or nearly all the employees of the undersigned predecessor employing unit, an employer subject to the Hawaii Employment Security Law, and the last day prior to acquisition by the successor employing unit is the ____ day of ____, 20 ____.

In accordance with the provisions of Section 383-66(a)(5) of the Hawaii Revised Statutes, the predecessor employing unit hereby relinquishes all rights to its prior experience record with respect to its separate account, contribution payment and benefit chargeability experience, annual payrolls, and other data for the purpose of obtaining a reduced rate of contributions and requests the Department of Labor and Industrial Relations to permit such experience record to inure to the benefit of said successor employing unit. The successor employing unit hereby requests that such experience record inure to its benefit.

Executed this ____ day of _____, 20 ____.

(Firm or Trade Name of Predecessor) Account Number

By _____

(Title)

(Firm or Trade Name of Successor) Account Number

By _____

(Title)

INSTRUCTIONS: This waiver must be signed by (1) the sole proprietor, (2) a duly authorized officer, if employer is a corporation, (3) a duly authorized partner/member of a partnership or limited liability company, or (4) a duly authorized person, if employer is an unincorporated association. An agent may sign the waiver in the name of the employer if an acceptable power of attorney is filed with the Unemployment Insurance Division.

In order to assume the lower rate of the predecessor employing unit immediately upon acquisition of the business, (1) the employer newly subject to the law must file this form within sixty (60) days after the date of acquisition, and (2) the predecessor must file all reports and remit all contributions (including penalty and interest) within sixty (60) days after the transfer of the business. In some circumstances, the predecessor employing unit's quarterly contribution report and remittance must be submitted before the quarterly due date to satisfy the sixty (60) day deadline. **WARNING:** There are no provisions in the Hawaii Employment Security Law and/or Administrative Rules to relax the sixty (60) day filing requirement.

Successor employers failing to file this form with the Division within sixty (60) days after the transfer of the business, may file this form by March 1st of the following year at which time, if the predecessor employer has filed all reports and paid all contributions due, the experience records of the predecessor and successor employers will be combined to determine the rate for the successor employer for the new calendar year. This form shall be returned unprocessed if submitted on or after December 31 of the calendar year following the calendar year in which the acquisition occurred. Similarly, there are no provisions in the Hawaii Employment Security Law and/or Administrative Rules to relax these filing requirements.

New employing units succeeding two or more predecessor employers simultaneously are treated differently and the Hawaii Employment Security Law should be referred to in these instances.

Unemployment Insurance Division Use Only

Approved by _____ Title _____ Date _____