



UNEMPLOYMENT INSURANCE

Information for Labor Dispute Applicants

JANUARY 2024



The information below is for people who are filing for unemployment insurance (UI) benefits during a labor dispute (strike or lockout). You can file a claim online at: uiclaims.hawaii.gov. After applying for UI benefits, the Unemployment Insurance Division will make several decisions to determine if benefits can be paid to you or not. You will receive written determinations explaining your eligibility for benefits.

1. How do you qualify for unemployment benefits?

Your claim will be based on the wages paid to you in your base period. To establish a valid claim, you must meet the following two (2) requirements:

- You must have been paid wages in at least two quarters of your base period, and
- You must have been paid wages of at least 26 times your weekly benefit amount in your base period. *Base period is the first four (4) of the last five (5) completed calendar quarters.*

A notice of **Unemployment Insurance Determination of Insured Status** will be sent to you showing you whether your claim is valid. Your weekly benefit amount is equal to 1/21 of the highest quarter wages in your base period. The maximum weekly benefit amount for the year 2024 is **\$796**. The maximum amount payable on a claim is 26 times the weekly benefit amount.

EFFECTIVE DATE OF YOUR CLAIM: Your claim begins from the Sunday of the week in which you file your application. Benefits will not be paid for weeks prior to the effective date of your claim, even if you were unemployed due to the labor dispute during those weeks.

WAITING PERIOD WEEK: The first week on your claim when benefits are payable is a 'waiting period' week and must be served on each new claim. You must file a claim certification for the waiting period week even though no benefits will be paid to you.

2. How do you file your weekly claims for benefits while on strike?

For each of the week(s) that you are unemployed due to the labor dispute, you must file a weekly or bi-weekly claim certification by filing online at: uiclaims.hawaii.gov. Benefits will not be paid for any weeks that you were unemployed if you did not file your claim certifications. File your claim certifications on time or benefits may be denied. You have seven (7) days from the week ending date you are claiming in which to file your weekly or bi-weekly claim certification.

REPORT YOUR EARNINGS FROM EMPLOYMENT: If you had any employment, including part-time employment during the week you claim benefits, you must report your gross earnings (before taxes are deducted) when you file your weekly or bi-weekly claim certification(s). The earnings you receive in excess of **\$150** will be deducted from your unemployment benefit payment. If your total gross earnings from employment equal or exceed your weekly benefit amount, you will not receive any benefits for that week.

3. Are you eligible for benefits during the strike?

Your eligibility for benefits will be determined by whether a stoppage of work existed at the establishment where you were last employed. A **“work stoppage”** refers to a substantial reduction in the employer’s business operations at the employer’s establishment rather than the unemployment of the striking employee.

The courts ruled that a 20% to 30% reduction in the business operations constitutes a work stoppage. Information will be obtained from your employer and from your union representatives to make this determination.

If there is no work stoppage and you meet all other requirements, benefits will be allowed. *Note: The first week of eligibility for benefits is the “waiting period” week, as explained in item #1.*

A **Notice of Decision on Unemployment Insurance Claim** covering the weeks you were involved in a labor dispute will be sent to you.

Other decisions may be made to determine your eligibility. Information which you should report include: Strike pay, sick pay, vacation pay, social security, pensions, disability or illnesses, schooling, and self-employment. A claims examiner will contact you if more information is needed to make an eligibility determination.

APPEAL RIGHTS: If you disagree with any decision made by the Unemployment Insurance Division, you have the right to appeal that decision. Report in person or submit a written request for reconsideration or appeal within ten (10) calendar days from the date the decision was mailed to you.

However, **if you gave your union authorization to represent you** regarding your entitlement to unemployment insurance benefits, **you must refer your appeal request to your union.**

UNEMPLOYMENT BENEFITS ARE TAXABLE:

Unemployment benefits are taxable income and **Form 1099-G** is mailed to you at the end of the calendar year. You may elect to have Federal and State taxes withheld at the time you file your claim.



If you have any questions or do not understand the procedures, call your local unemployment claims office for information or assistance. Download and read the **[Handbook on Unemployment Benefits \(pdf\)](#)** for important information about your rights and responsibilities when filing for unemployment insurance benefits. The handbook is available at **huiclaims.hawaii.gov** and there is also a link on the confirmation email sent to you after you filed your application.