

HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

March 10, 2020
Rm. 224, 2:45 p.m.

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Les Ihara, Jr., Vice Chair
Members of the Senate Committee on Labor, Culture and the Arts

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 2054, H.D. 1

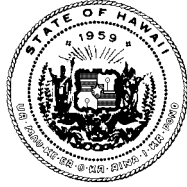
The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports H.B. No. 2054, H.D. 1.

H.B. No. 2054, H.D. 1 amends HRS chapter 378 to add a new section prohibiting employers from requiring nondisclosure agreements that prevent disclosure of sexual assault or sexual harassment as a condition of employment. The bill also prohibits employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. HCRC supports both prohibitions, which in combination will preclude nondisclosure agreements that can enable serial harassers to continue unlawful sexual harassment. The current bill creates a new section in HRS chapter 378, but does not designate in which part it will be placed. If enacted, placement of the new section in HRS chapter 378, part I, would provide for both enforcement and remedies.

The HCRC supports H.B. No. 2054, H.D. 1.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 7, 2020

TO: The Honorable Senator Brian T. Taniguchi, Chair
Senate Committee on Labor, Culture and the Arts

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2054 HD1 – RELATING TO EMPLOYMENT PRACTICES**

Hearing: March 10, 2020, Time 2:45 p.m.
Conference Room 224, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure as all individuals should have a workplace environment free from harassment, assault, and violence. Low wage, low skill workers, or workers just entering the workforce are especially vulnerable to harassment. This measure is a positive employment policy that will improve the social and economic mobility of Hawaii's residents. DHS provides benefits and services that support individuals and families with their basic needs so adults can address their children's care and education and improve their own skills to gain and maintain employment.

PURPOSE: The purposes of the bill prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. Takes effect 1/1/2050. (HD1)

Women, men, gender non-conforming, and low-income individuals, all may experience sexual harassment and sexually coercive behavior in the workplace. However, the majority of the known workplace harassment victims are women. The risk of being sexually

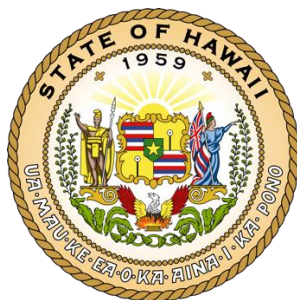
harassed in the workplace increases greatly for women of color and women who work in low paying jobs.

As such, workplace harassment and subsequent retaliation have a direct effect on individual's ability to work and to be economically self-sufficient. Many victims do not report for fear of being retaliated against.

The proliferation of non-disclosure agreements (NDA) has enabled abusers to continue their abuse and in turn, silence their victims from reporting.

DHS provides services to 1 in 4 Hawaii residents, and to some of the most vulnerable individuals and families in the State. Through our multi-generational 'Ohana Nui framework, we endeavor to address the multiple factors that contribute to multi-generational poverty including the impact of trauma on individuals and families. Reducing harassment in the workplace and supporting better employment practices will further this goal.

Thank you for the opportunity to testify in support.



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Prepared for the Senate Committee on LCA

In Support of HB2054 HD1
March 10, 2020, at 2:45 p.m. in Room 224

Dear Chair Taniguchi, Vice Chair Ihara, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports the intent of HB2054 HD1, which prohibits non-disclosure agreements, legally enforceable contracts that prohibit disclosure of sexual harassment or sexual assault, as a condition of employment. The Commission notes the silencing effect of confidentiality clauses or non-disclosure agreements (NDAs). NDAs are not actually victim-centered, and have functioned to shield serial offenders of sex discrimination, including sexual assault and sexual harassment, by allowing the pattern of misconduct to continue unnoticed and other women to suffer similar abuse by the same offender.

In doing so, NDAs perpetuate the power imbalance between men and women in the workplace. They also create a ripple effect impacting women’s career choices and ability to advance in the workplace. The Legislature should act to ban NDAs as part of a broader strategy to eradicate sexual harassment. Accordingly, the Commission respectfully urges the Committee to pass HB2054 HD1.

Sincerely,

Khara Jabola-Carolus

Hearing Date: March 10, 2020, 2:45 PM

To: Senate Committee on Labor, Culture and The Arts
Chair, Senator Brian Taniguchi
Vice Chair, Senator Les Ihara, Jr.

From: Jean Evans, MPH (Individual, jevans9999@yahoo.com, 808-728-1152, 99-1669 Hoapono Pl., Aiea, HI 96701)

Re: **TESTIMONY IN SUPPORT OF HB 2054, HD1 RELATING TO EMPLOYMENT PRACTICES.**

I am strong support of HB 2054, HD1 Relating to Employment Practices

I am in favor of this ban on nondisclosure agreements (NDA). NDAs have been used to cover up sexual harassment and assault in the workplace for many years. Often these agreements are used to protect a serial workplace sexual harasser or assaulter such as those we have seen in the national news. One can only hazard a guess as to how many of these predators have been protected by their employer here in Hawaii.

I also support making it unlawful to retaliate against employees for disclosing or discussing sexual harassment or sexual assault. This will remove the fear an employee has that their employer will retaliate against them for disclosing or even just discussing sexual assault or harassment acts as a powerful deterrent and silencer.

This bill will ensure that Hawaii joins 13 other states in the nation to limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement. I urge you to pass this important bill.

Mahalo for allowing me to submit my testimony today.

Jean Evans

HB-2054-HD-1

Submitted on: 3/7/2020 5:25:54 PM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

HB-2054-HD-1

Submitted on: 3/7/2020 5:30:56 PM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

HB-2054-HD-1

Submitted on: 3/8/2020 8:17:41 AM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Taniguchi and Members of the Committee on Labor, Culture and the Arts,

I am writing in support of HB2054 HD1.

The Workplace Sexual Harassment – NDA Bill Will Do Two things:

1. Prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault.
2. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.
 - Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.
 - All people are entitled to a sexual harassment free workplace. We need legislation to protect who have already endured sexual harassment while promoting behaviors and policies to limit and stop sexual harassment at the work place.

Please support this bill.

Mahalo,

Caroline Kunitake

HB-2054-HD-1

Submitted on: 3/8/2020 11:32:28 AM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Hawaii Women's Coalition	Support	Yes

Comments:

Dear Chair Taniguchi, Vice Chair Ihara, and Members of the Committee,

The Hawaii Women’s Coalition writes in support of H.B. 2054 HD1, to prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault and to prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

A recent survey by Safe Spaces & Workplaces of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Only 18% reported the incident to Human Resources. Many stay silent because they don’t want to make waves; others see sexual harassment as a strictly legal issue likely to result in costly litigation. 15% changed their job or quit.

A recent study “Limiting Our Livelihoods” by American Association of University Women (AAUW) showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.

Although federal law appears comprehensive and robust, employees who are harassed at work are often unable to access justice. The barriers include:

- Narrow standards about the kinds of employers covered by existing laws. For example, employers with fewer than 15 employees are exempt;
- The exclusion from coverage of various categories of workers, including contractors and unpaid interns;
- A limited time frame for bringing charges;

- Onerous standards of proof: Courts have narrowly interpreted the definition of sexual harassment so many egregious complaints have not met the required standard;
- Reduced liability: The Supreme Court has narrowed the circumstances in which employers and coworkers can be liable for harassment;
- Non-disclosure agreements and mandatory arbitration: These can prevent employees from speaking out and/or pursuing legal remedies;
- Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.

Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement. Hawaii should join Arizona, California, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, and Washington by passing this bill.

Thank you for your support for this important measure to promote fairness and equity in the workplace.

Sincerely,

Hawaii Women's Coalition

HB-2054-HD-1

Submitted on: 3/8/2020 11:42:52 AM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for AAUW of Hawaii	Support	Yes

Comments:

Dear Chair Taniguchi, Vice Chair Ihara, and Members of the Committee,

Members of AAUW of Hawaii are grateful for this opportunity to testify in strong support of H.B. 2054 HD1, which would prohibit nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's conditions of employment, and prohibit employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Workplace sexual harassment is more common than we think: 53% of women and 42% of men experienced workplace sexual harassment while working in Hawaii according to a recent survey by Safe Spaces & Workplaces. Workplace sexual harassment take a toll on victim's physical and mental health, and it also limits the livelihood for 38% of those harassed said the harassment contributed to their decision to leave their job and 37% said the harassment disrupted their career advancement.^[1] Many in Hawaii don't report because they don't want to make waves; many don't report because they fear retaliation.

Non-disclosure agreements and retaliating employees for disclosing and discussing sexual harassment or sexual assault silences victims and allow serial harassers to escape accountability and continue with harassment and assault.

Fifteen states passed new laws since 2017 to protect workers from sexual harassment; thirteen states now limit or prohibit employers from requiring employees to sign non-disclosure agreements as a condition of employment or as part of a settlement agreement.^[2] Hawaii should join Arizona, California, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, and Washington by passing this bill and protect the workers from workplace sexual harassment and assault.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 650 active members with over 3800 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Please pass this important measure and mahalo.

Sincerely,

AAUW of Hawaii

publicpolicy-hi@aauw.net

[1] <https://www.aauw.org/research/limiting-our-livelihoods/>

[2] <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/07/20-States-By-2020-report.pdf>

HB-2054-HD-1

Submitted on: 3/8/2020 2:29:22 PM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

I support and would like to add: isn't it terrible that we even have to have a law like this? But, we know that everywhere, even the Capitol environs it is there.



March 10, 2020

Senator Brian T. Taniguchi, Chair
Senate Committee on Labor, Culture and the Arts

Re: H.B. 2054, H.D. 1, RELATING TO EMPLOYMENT PRACTICES.

Hearing: Tuesday, March 10, 2020, 2:45 p.m., Room 224

Dear Chair Taniguchi and Members of the Committee on Labor, Culture and the Arts:

Hawaii Women Lawyers (“HWL”) **supports** H.B. 2054, H.D. 1, which is to prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault; and prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

HWL is a 501(c)(6) nonprofit corporation founded in 1982. HWL’s core mission is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all. HWL is currently comprised of approximately 337 members.

In 2018, HWL conducted a survey of its members as to the incidences and experiences of sexual harassment in the legal community.¹ 76 attorneys responded to the survey. Nearly 60% (42 attorneys) reported being sexually harassed at some time during their legal career, with approximately 13% (10 attorneys) reporting having been sexually harassed in the workplace within the last two years.

It is common for victims of sexual assault and harassment not to report abuse for fear of retaliation. Nondisclosure agreements that prevent the disclosure of sexual harassment as a condition of employment have the impact and effect of further silencing victims. They can also allow repeat offenders to continue to engage in serial harassment.

Thank you for the opportunity to submit testimony on this measure.

¹ HWL's survey was conducted between January 12, 2018 and February 4, 2018. The survey was done on a strictly voluntary and anonymous basis, and with the understanding that any stories provided by survey respondents may be shared publicly to raise awareness of the occurrence of sexual harassment in the legal community. The survey was conducted for informational purposes only, and HWL has not conducted an independent investigation as to and cannot guaranty the accuracy of the results of the survey or the specific instances of harassment shared by survey respondents. HWL recognizes that terminology may carry different connotations for different parties and did not define “sexual harassment” in the survey. HWL also recognizes that men are victims of sexual harassment as well as women, but as the mission of HWL is to improve the lives and careers of women in all aspects of the legal profession, the main focus of the article is on the experiences of female victims.

HB-2054-HD-1

Submitted on: 3/9/2020 11:38:23 AM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Hawaii State Senate Committee on Labor, Culture and The Arts

Hearing Date: Tuesday, March 10, 2020

Time & Room: 2:45 pm, Rm. 224

Re: Testimony in support of HB 2054, HB1 Relating to Employment Practices

Dear Senator Brian Taniguchi, Chair Senator Les Ihara, Jr., Vice Chair and members of the committee:

- A recent survey by Safe Spaces & Workplaces of Hawaii adults showed 52% of women and 42% of men experienced workplace sexual harassment while working in Hawaii. Many do not report the incident because they fear retaliation.
- A recent study "Limiting Our Livelihoods" by American Association of University Women (AAUW) showed 38% of women who were sexually harassed said the harassment contributed to their decision to leave their job, 37% said the harassment disrupted their career advancement. Many do not report the incident because they fear retaliation.

This bill prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

- Retaliation against employees for disclosing and discussing sexual harassment or sexual assault allows serial harassers to escape accountability and continue with harassment.

This bill prohibits an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault.

- Non-disclosure agreements can prevent employees from speaking out and/or pursuing legal remedies.

I urge you to add these protections to Chapter 378, Hawaii Revised Statutes. Please pass this bill and protect workers in Hawaii from sexual harassment.

Thank you for the opportunity to testify.

Janet Morse
AAUW Hawaii member
Kailua, Oahu

HB-2054-HD-1

Submitted on: 3/9/2020 1:05:59 PM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer L Stotter	Individual	Support	No

Comments:

I support the amendment to prohibit non-disclosure agreements when settling cases of sexual harassment or sexual assault. The #metoo movement has shined a spotlight on issues of sexual assault and sexual harassment in the workplace, as has the focus on Title IX pertaining to issues of sex-based discrimination in higher education, including employees (in addition to students). While attention to the matter is appreciated, the preference is that these behaviors simply stop. No person should have to experience harassment in the workplace. By passing this amendment, the Hawaii State Legislature tells employees that such behavior will not be tolerated, supporting victims, and further serves as warning to potential violators.

If we, as a state, are serious about stopping harassment in the workplace, we should fully support this measure. Allowing victims some sort of recourse, but not allowing them to tell their stories can actually serve to preserve the status quo and protect violators. Such individuals may feel emboldened to re-offend, while others who are experiencing similar acts may be discouraged from reporting because they believe nothing will be done. Accordingly, employer liability actually increases, given the likelihood that offenders will re-offend. It is only a small percentage of individuals who engage in acts of sexual assault; it is known that these individuals will re-offend if they are not held responsible. Any company should support this measure to mitigate their own risk of future liability.

The EEOC reports that, during 2019, 40.6% of the complaints received included sex discrimination as an element of their complaint. As transparency increases and companies hold themselves and their employees accountable, I predict we will see the number of cases filed with the EEOC decline, because violations will decrease. We will also see a more engaged workforce, as employees can focus on their employment rather than the harassment they are experiencing. Companies' bottom lines will inevitably see the benefit of a workforce that feels protected and valued by their employer.

A harassment-free workplace should be the goal of employers and the legislature alike, and I thank you for your consideration of this testimony as you seek to support workers across the state.

HB-2054-HD-1

Submitted on: 3/9/2020 4:47:04 PM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments:



March 10, 2020

Committee on Labor, Culture and the Arts
Senator Taniguchi, Chair
Senator Ihaha, Vice Chair

The Senate
The Thirtieth Legislature
Regular Session of 2020

RE: HB 2054, HDI - RELATING TO EMPLOYMENT PRACTICES
DATE: Tuesday, March 10, 2020
TIME: 2:45 PM
PLACE: Conference Room 224
State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chair Taniguchi, Vice Chair Ihara, and the Members of the Committee,

Thank you for the opportunity to testify in **support** of this measure. [SAG-AFTRA](#) represents over 1000 actors, recording artists, and media professionals in our state.

We support this ban on pre-employment nondisclosure agreements whenever this legal tool is used to cover up sexual harassment and assault in the workplace. These type of pre-employment requirements cover up abuse and act as a restraint on the freedom of speech on Hawaii's workers.

We also support adding a new section to HRS chapter 378 making it unlawful practice to retaliate against employees for disclosing or discussing sexual harassment or sexual assault. An employee's fear that her/his employer will retaliate against them for disclosing or even just discussing sexual assault or harassment acts as a powerful deterrent and silencer. Adding this section goes a long way to protect workers and to shine a light on discriminatory and dangerous practices.

In taking action to encourage open discourse, the state will not only strengthen the civil rights of Hawaii workers that may find themselves in vulnerable and precarious positions but will also allow for the exposure of persons who pose a risk to public safety.

Thank you again for your continued support and please don't hesitate to contact the SAG-AFTRA Hawaii Local office for more information on this issue as it relates to professional performers.

Respectfully,

A handwritten signature in black ink, appearing to read "Mericia Palma Elmore".

Mericia Palma Elmore
Executive Director SAG-AFTRA Hawaii Local

Mericia Palma Elmore, Executive Director
SAG-AFTRA Hawaii Local
mericia.palmaelmore@sagaftra.org
Ph: 808-596-0388 • Fax: 808-593-2636
201 Merchant St Suite 2301 Honolulu, HI 96813

SCREEN ACTORS GUILD - AMERICAN FEDERATION OF
TELEVISION AND RADIO ARTISTS
SAGAFTRA.org
Associated Actors & Artistes of America / AFL-CIO

HB-2054-HD-1

Submitted on: 3/10/2020 8:21:41 AM

Testimony for LCA on 3/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joe P. Moss	Individual	Support	No

Comments:

I am strongly in favor of this Bill. Non-disclosure agreements allow companies and individuals to continue bad behavior with no notice to prospective employees of what is going on. People want jobs and these are forced on them on a take it or forget about getting the job basis. Virtually every job seeker will sign these agreements and needs the help of the government. At the least, bad companies and individuals should not be able to hide their actions.



To: The Honorable Brian T. Taniguchi, Chair
The Honorable Les Ihara, Jr., Vice Chair
Members, Committee on Labor, Culture and the Arts

From: Rowena Buffett Timms, Executive Vice President & Chief Administrative Officer, The Queen's Health Systems
Colette Masunaga, Manager, Government Relations & External Affairs, The Queen's Health Systems

Date: March 9, 2020

Hrg: Senate Committee on Labor, Culture and the Arts Hearing; Tuesday, March 10, 2020 at 2:45 P.M. in Room 224

Re: **Comments on HB 2054 HD1, Relating to Employment Practice**

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals and more than 1,500 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to offer comments with concerns on HB 2054 HD1, Relating to Employment Practice. The proposed bill would prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault, as well as prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

While Queen's appreciates and supports the intent of this measure, we have concerns that the bill, as written, is too broad and would impede on our peer review process. The peer review process - as mandated by The Centers for Medicare and Medicaid Services, Conditions of Participation, and The Joint Commission - requires that hospitals take on the responsibility for quality assessment and performance improvement.

The Queen's Medical Staff Bylaws requires individuals (employed and non-employed), participating in credentialing, peer review, and quality management activities, preserve confidentiality and invoke the peer review privileges afforded under HRS §624-25.5.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

In order to preserve the medical staff peer review process, Queen's respectfully requests the following amendment under section 1, (c) be added.

(c) This section shall not apply to:

(1) Human resources employees expected to maintain the confidentiality of an investigation as part of their official duties; and

(2) Employees requested to maintain the confidentiality of an ongoing human resources investigation.

(3) Proceedings under section 624-25.5"

Thank you for the opportunity to testify on this measure.