



LATE

HAWAI‘I CIVIL RIGHTS COMMISSION

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February 12, 2020
Rm. 325, 3:00 p.m.

To: The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

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

Re: H.B. No. 2123

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.

H.B. No. 2123 amends HRS chapter 368 to add a new section requiring employers of 50 or more employees to file regular electronic reports to the HCRC on legal settlements of sexual harassment claims, and for the HCRC to publish quantitative information about legal settlements from these reports on the HCRC website.

The HCRC offers the following comments on H.B. No. 2123:

The HCRC is a civil rights law enforcement agency. Pursuant to HRS chapter 368 and chapter 378, the HCRC receives, investigates, conciliates, litigates, and (the Commission) adjudicates employment discrimination complaints. The HCRC process is complaint-driven, initiated by the filing of a complaint.

The HCRC is not currently set up for receiving and posting of information from electronic reports submitted by employers of 50 or more employees, as contemplated in the bill. Implementing such a mandate would present at least two substantial challenges: 1) The HCRC

does not have the information technology resources and capability to receive the required electronic reports; we have no public-facing or employer-facing portal to receive electronic reporting. If the bill is enacted, the HCRC will need an appropriation for IT staffing and software development. 2) The bill requires reporting, but it is unclear whether the mandate will be enforceable and what the penalty for failure to report will be. The HCRC does not have a database of employers of 50 or more employees, so will not have data identifying which employers are subject to the reporting requirement. With only quantitative reporting required, it will be difficult to ascertain the veracity of the reports.

Thank you for your consideration.

HB-2123

Submitted on: 2/10/2020 5:18:32 PM

Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	Yes

Comments:

I strongly support HB2123. The public needs to know where sexual harassment occurs.

Please pass HB2123.

Mike Golojuch, Sr.

HB-2123

Submitted on: 2/10/2020 5:51:34 PM

Testimony for JUD on 2/12/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments:

As not all sexual harassment cases are reported or accepted/filed, that some form of monitoring needs to be made to protect employees.