

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10TH FLOOR
HONOLULU, HAWAII 96813

LATE

MUF: HANNEMANN
MAYOR



NOEL T. ONO
ACTING DIRECTOR

January 28, 2010

The Honorable Karl Rhoads, Chair
and Members of the Committee on Labor and
Public Employment
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 2473
Relating to Workplace Practices

The City and County of Honolulu strongly opposes House Bill No. 2473, which amends Hawaii Revised Statutes ("HRS") Chapter 396 by adding a section entitled "Abusive Work Environments."

In particular, we oppose HRS Section 396-G which allows an employee making a claim under HRS Section 396-C to elect to accept workers' compensation benefits under HRS Chapter 386 in lieu of bringing a civil action. Unlike any other claim filed for workers' compensation benefits, this law makes a workers' compensation claim filed for "abusive conduct" compensable without allowing the employer the opportunity to defend itself against the claim with substantial evidence to the contrary. The addition of this part to HRS Chapter 396 will result in an increase in the number of workers' compensation claims filed in the State of Hawaii. Higher workers' compensation costs negatively impact the cost of doing business in Hawaii and further erode Hawaii's ability to overcome the current financial situation facing our State.

We are also opposed to the bill making "abusive conduct" an occupational safety and health violation and allowing an employee to file a civil action based on the purported abusive conduct. Both provisions will increase the costs of the City as well as other public and private employers in the State. Particularly onerous is the portion of the bill which holds an employer vicariously liable for actions of its employee, notwithstanding the fact that such abusive conduct by the other employees is by definition "unrelated to an employer's legitimate business interests."

We respectfully urge your committee to file House Bill No. 2473.

Sincerely,

A handwritten signature in black ink, appearing to read "Noel T. Ono".
for Noel T. Ono
Acting Director

**Rev. Carolyn Martinez Golojuch, MSW
Democratic Affirmative Action & Human Rights Caucus**

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LATE

January 26, 2010

RE: SUPPORT HB 2473 WORKPLACE PRACTICES

Aloha Representative,

I strongly urge you to pass HB 2473 to address abusive work environments.

As a social worker, it is well known that hostile work environments are unproductive and harmful to the employees. Workplace bullying is any negative behavior that demonstrates a lack of regard for other workers. This can include a vast number of disrespectful behaviors including:

Harassment; Mobbing; Incivility; Teasing; Gossiping; Purposely withholding business information; Overruling decisions without a rationale; Sabotaging team efforts; Demeaning others; Verbal intimidation.

It is imperative that supervisors and employees receive sensitivity training in order that unhealthy workplace practices are identified by them and given options to curtail the execution of such situations.

Please support HB2473 Workplace Practices to improve workplace environments.

Thank you for your consideration.

Mahalo,

Rev. Carolyn Martinez Golojuch, MSW
Democratic Affirmative Action & Human Rights Caucus Chair

Maija L Kemper
5136 Iroquois Ave
Ewa Beach, Hi 96706

LATE

Ref: House Bill: HB 2473

Thursday, January 28, 2010

My name is Maija L Kemper and I was employed by State of Hawaii since October 2003 as an Eligibility Worker. I also worked as an Eligibility worker for the Los Angeles County DHS.

In October 2007, I transferred to the place of work closer to my home. My supervisor transferred cases to me daily including Child Care applications. My last Child care training was two year before, and I had only 5 ongoing case at my previous place of work. I was not provided any manuals to process the Child Care program until several months later. However, the supervisor expected me to do the work.

The Supervisor screened all my Child Care Cases from October, November and December and did not have any complaints. I asked the supervisor if there was any way in which she could assist me by lower the new Child Care Applications as there were too many cases to handle. I asked the Supervisor several times for Child Care training.

On January 29, 2008, the Supervisor called me into her office for a meeting and accused me of not knowing what I was doing, that my cases were all wrong, and she was going to send me back to my previous place of work. I was shocked; this was a lightning from the sky, no warning. I did not know she was not happy with my work, this never happened to me before. The supervisor was writing me up for the previous workers' errors. After that incident, I was not able to do my work in a timely manner.

On February 26, 2008, the Supervisor called me into her office, closed the door, and started screaming to me again, "You don't know what you are doing, all your work is wrong and I want to get rid of you". After about ten minutes of her screaming, it was too much for me.

I left her office and told the secretary I was going home sick, as I was shaking, crying and not able to do my work that day. I did not return to that workplace, and was transferred back to my previous workplace on April 14, 2008.

Starting January 2008, I needed therapy to address my psychological distress. To date, I have not recovered from that incident, and I am very unsure, if I am doing my work correctly.

I would like to thank you for taking the time to hear my story.

Sincerely,

Maija L Kemper