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**HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010**

**COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
Hearing: March 9, 2010  
Testimony on S.B. 2565 SD1  
(Relating To The Hawaii Civil Rights Commission)**

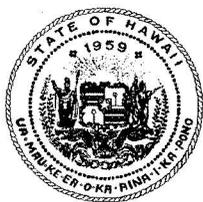
Chair Rhoads, Vice Chair Yamashita, and members of the Committee:

My name is Peter Fritz. I am an attorney and the Chair of the Disability and Communications Access Board. I was an Administrative Rules Specialist with the Department of Taxation and I am familiar with rule making procedures. I am testifying in my personal capacity. My testimony draws from my experience in labor law, as an Administrative Rules Specialist and experiences with the Hawaii Civil Rights Commission ("HCRC"). I support the language in S.B. 2565 SD1 extending the time for the HCRC to draft rules relating to the amendments made by the ADA Amendments Act of 2008 ("ADAAA").

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Peter L. Fritz". The signature is written in a cursive, somewhat stylized font.

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# HAWAI'I CIVIL RIGHTS COMMISSION

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March 9, 2010  
Rm. 309, 9:30 a.m.

To: The Honorable Karl Rhoads, Chair  
Members of the House Committee on Labor and Public Employment

From: Coral Wong Pietsch, Chair, and Commissioners of the Hawai'i Civil Rights Commission

Re: S.B. No. 2565, S.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC supports S.B. No. 2565, S.D.1, which amends Act 30, L Sp 2009 by extending the deadline for the HCRC to adopt administrative rules to conform state law protections against disability discrimination to the federal Americans with Disabilities Act Amendments Act of 2008 (ADAAA). The HCRC has been notified that the U.S. Equal Employment Opportunities Commission (EEOC) is unlikely to finalize its guidelines implementing the ADAAA at the earliest until July, 2010. The HCRC will therefore not be able

to review the final EEOC guidelines and complete its rulemaking process by the deadline of December 31, 2010, as set by Act 30.

SB 2565 has been amended to require the HCRC to complete its rulemaking process within six months after the EEOC publishes its final rules. The HCRC asks that this time period be increased to nine months because the rulemaking process will involve many substantive rule amendments which must be drafted and submitted for review to the Office of the Attorney General, the Department of Budget and Finance, the Department of Business, Economic Development and Tourism, and approved by the Governor prior to even publishing the notice of public hearing. At the public hearing, we also anticipate a large amount of public comment and input, which must be reviewed and considered before the rules can be finalized. Therefore the Commission feels that a nine month period after the EEOC finalizes its rules is a more realistic time period for the HCRC to finalize its disability discrimination rules.

The HCRC supports S.B. No. 2564, SD1, with an extension of time to nine months after the EEOC publishes its final rules, and urges your favorable consideration.



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## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 9, 2010

### TESTIMONY TO THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Senate Bill 2565, Senate Draft 1 – Relating to the Hawaii Civil Rights Commission

The Disability and Communication Access Board (DCAB) supports Senate Bill 2565, Senate Draft 1. We have no objection to Senate Draft 1 that extends the deadline for the Hawaii Civil Rights Commission to adopt administrative rules conforming state law protections against disability discrimination to the federal standard until six months after the U.S. Equal Opportunity Commission publishes final rules implementing the ADA Amendments Act (ADAAA) of 2008. DCAB also supported the changes in the federal law.

Administrative Directive 97-10 designated DCAB as the ADA Coordinator for the Executive Branch. DCAB has and will continue to provide technical assistance to State and county agencies to support and enhance their effort to comply with the ADA, ADA Accessibility Guidelines and ADAAA as an employer and provider of services to the general public, including individuals with disabilities.

Through our combined efforts, it is our goal that the State of Hawaii will provide employment opportunities and services that are accessible to everyone.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

CHARLES W. FLEMING  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director