

STAND. COM. REP. NO. 3747

Honolulu, Hawaii

APR 06 2022

RE: H.B. No. 2495
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2495, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit an employer from entering into or requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between the employer and an employee.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, AAUW of Hawaii, Hawaii State Democratic Women's Caucus, Hawai'i Women Lawyers, and two individuals.

Your Committee finds that while the current statute specifically prohibits requiring nondisclosure agreements as a condition of employment, it does not prohibit other nondisclosure agreements, whether during employment or post-employment. Even without an express exception for confidential settlement agreements, the narrow focus of the statutory prohibition as a condition of employment does not cover nondisclosure agreements in settlement agreements. This measure further prohibits an employer



from entering into a nondisclosure agreement that prevents the employee from disclosing or discussing sexual harassment or assault related to the workplace, expanding the prohibition beyond simply preventing an employer from requiring non-disclosure as a condition of employment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2495, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:* HB 2495, HD1, SD1	Committee Referral: LCA, JDC	Date: 03-31-22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			—
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	-	-	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes