

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKUĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

January 28, 2026

To: The Honorable Brandon J.C. Elefante, Chair
The Honorable Rachele Lamosao, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Wednesday, January 28, 2026
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: SB2116 RELATING TO PUBLIC EMPLOYEES

I. OVERVIEW OF PROPOSED LEGISLATION

The DLIR opposes this measure that would require the Attorney General to create a confidential process for individuals to anonymously file complaints against public employees, review those complaints, forward them to the appropriate agency, and collect annual reports on their disposition.

II. COMMENTS ON THE SENATE BILL

The DLIR appreciates the intent to strengthen accountability within government, however, has concerns about how the proposed framework may affect fairness, due process, and existing administrative systems.

First, allowing anonymous complaints to initiate formal review processes raises challenges for ensuring due process. Without basic identifying information or a means to verify the source, agencies may be required to respond to allegations that are incomplete, inaccurate, or submitted in bad faith. Even when a complaint is ultimately resolved without action, the process itself can affect employee morale and trust.

Second, the bill appears to duplicate mechanisms that are already in place. Departments, boards, commissions, and agencies currently maintain established procedures for receiving, reviewing, and resolving complaints. These systems are tailored to each entity's statutory responsibilities. Introducing a centralized intake and referral process through the Attorney General may unintentionally create confusion about jurisdiction and divert resources from core enforcement and service functions.

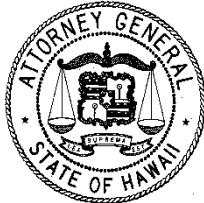
Third, while anonymous reporting can serve important purposes in some contexts, it can also be vulnerable to misuse. Public employees—particularly those in enforcement, regulatory, or high visibility roles—could be subject to repeated or frivolous complaints, which may hinder their ability to perform their duties effectively.

Thank you for the opportunity to testify.

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**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
S.B. NO. 2116, RELATING TO PUBLIC EMPLOYEES.**

**BEFORE THE:
SENATE COMMITTEE ON LABOR AND TECHNOLOGY**

DATE: Wednesday, January 28, 2025 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Diana Sumarna, Deputy Attorney General, or
Amanda Donlin, Deputy Attorney General

Chair Elefante and Members of the Committee:

The Department of the Attorney General (Department) respectfully opposes this bill.

This bill requires the Attorney General to establish a confidential process for persons to anonymously file complaints against public employees, serve as the intermediary for necessary communications between the appropriate department and complainant, and submit annual reports to the Legislature.

The Department has concerns regarding this bill.

First, A system allowing anonymous complaints would particularly create tensions with existing constitutional and statutory mandates. Article XIII, section 2, of the Hawai'i Constitution establishes the right to collective bargaining for public employees, and disciplinary actions must follow procedures negotiated under chapter 89, HRS. Anonymous complaints would make it impossible to properly evaluate the credibility and motivation of complainants and would subject employees to discipline based on unverifiable or malicious allegations. This could constitute a violation of due process under the Hawai'i Constitution, a prohibited practice, and/or a violation of the respective collective bargaining agreements. This also would directly contradict the merit principle within the Civil Service Law, section 76-1, HRS.

Moreover, complete anonymity cannot be guaranteed should the complaint result in a proceeding, because the identity of the complainant would potentially be subject to discovery or compulsion by a tribunal to protect due process rights.

Under Hawaii's Whistleblowers' Protection Act, sections 378-61 to 378-70, HRS, employees who report violations of law or participate in investigations may become subjects of later retaliations via anonymous complaints lodged by the employers' supervisors, agents, other employees, or related third parties.

As anonymous reporting by the public at large without proper screening tends to invite abuse, anonymity would be better safeguarded and provided for under the existing legal frameworks, where the reporting requirement should follow other reporting statutes that are narrowly drawn, without mandating complete anonymity.

Second, subsection (f) of the new proposed section provides that if the Attorney General "determines that any conduct or situation described it receives pursuant to this section poses an imminent danger or threat to the health or safety of any individual or workplace or the public, the attorney general shall immediately notify the department or other state or county agency, as deemed appropriate by the attorney general." Page 2, line 18 to page 3, line 3. The duty to notify law enforcement must rest upon the complainant to immediately notify law enforcement of such a danger or threat to protect public safety or welfare. Therefore, to the extent the bill moves forward, we recommend deleting subsection (f) and amending subsection (e) to state:

"(e) Each public employer and department shall inform its employees and the public of the confidential complaint process established pursuant to this section, and that the employee should immediately notify law enforcement regarding any conduct or situation that poses an imminent danger or threat to the health or safety of any individual or workplace or the public."

Third, it will take significant time and resources to implement the confidential-complaint process identified in this section. To the extent the bill moves forward, we recommend amending section 3 of the bill to provide that the Act shall take effect on July 1, 2027, and to provide a blank appropriation to the Department to implement this section, as we continue to consider the impacts of this bill should it pass.

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

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Fourth, rule-making is likely not necessary to implement this section. To remove a requirement for unnecessary rule-making, we recommend amending subsection (h) of the new section of the bill to read: "(h) The attorney general [shall] may adopt rules in accordance with chapter 91 necessary to implement this section."

We therefore respectfully ask the Committee to hold this bill and thank you for the opportunity to testify.

SB-2116

Submitted on: 1/27/2026 1:27:32 PM
Testimony for LBT on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Martin	Testifying for Libertarian Party of Hawaii	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Lee, Vice Chair Fevella, and committee members. I am Austin Martin, Chair of the Libertarian Party of Hawaii, testifying in opposition to SB 2116 (Public Employee Complaints/Indebtedness).

SB 2116 broadens protections against indebtedness-related complaints for public employees, shielding government personnel from consequences faced by private workers. This proposal is offensive to the Constitution, and spits on the idea of good governance. It is, frankly, absurd and offensive.

Such special treatment entrenches inefficiency and shifts risks onto taxpayers. I recommend defeating this bill to enforce equal accountability across sectors. The government should not be politically organizing against the People for special treatment at our expense; it is morally repugnant.

Mahalo for opposing and rejecting such an absurd, tyrannical, morally-hazardous and unjust proposition.

Austin Martin

Libertarian Party



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The Senate
Committee on Labor and Technology

Testimony by
Hawaii Government Employees Association

January 28, 2026

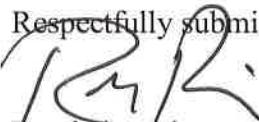
S.B. 2116 — RELATING TO PUBLIC EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of S.B. 2116, which requires the Attorney General to establish a confidential process for persons to anonymously file complaints against public employees.

Each department or agency has its own process in accepting anonymous complaints — some departments or agencies have a publicly available page on their website to file an anonymous complaint against an employee. However, there is no uniform process or policy to accept and verify an anonymous complaint, there's no requirement to leave your name and contact information in-case additional follow up is necessary. This opens the door for individuals to file baseless complaints against employees while maintaining complete anonymity. While these complaints are investigated and found to be un-sustained, it still damages an employee's reputation. Furthermore, and generally, these complaints are investigated, which takes time and resources away from the employees conducting the investigation.

Additionally, we acknowledge that individuals, including employees, may be placed into circumstances where they rightly feel compelled to file a legitimate anonymous complaint, and we are supportive of having a standardize process in place for these individuals. The process as outlined in this measure begins the conversation about establishing a balanced approach in verifying an anonymous complaint to discourage against baseless complaints that harm an employee's reputation, but also a uniformed process aimed at still protecting the anonymity of individuals that rightfully choose to file a legitimate anonymous complaint.

Thank you for the opportunity to provide testimony in support of S.B. 2116.

Respectfully submitted,

Randy Perreira
Executive Director



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

THE SENATE KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE REGULAR SESSION OF 2026

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Brandon J.C. Elefante, Chair
Senator Rachele Lamosao, Vice Chair

Wednesday, January 28, 2026, 3:00 PM
Conference Room 225 & Videoconference

Re: Testimony on SB2116 – RELATING TO PUBLIC EMPLOYEES

Chair Elefante, Vice Chair Lamosao, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 12,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **strongly supports** SB2116, which requires the Attorney General to establish a confidential process for persons to anonymously file complaints against public employees.

The lack of a uniform process or policy for agencies to receive and verify anonymous complaints has created a system susceptible to abuse. Because there is no requirement to provide contact information, or even sufficient information that an employee has the contractual right to refute, these complaints can exhaust time and resources. In some situations, an employee can be put on administrative leave pending an investigation, which, even if the allegation proves to be meritless, can tarnish their reputation in the workplace.

While we recognize that anonymity is often necessary for legitimate complaints, we believe the standardized process proposed in this measure strikes a balance between receiving valid complaints and discouraging frivolous ones.

Mahalo for this opportunity to testify in support of this measure.