
A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§78- Confidential complaints against public employees;
5 attorney general; annual reports; rules. (a) Notwithstanding
6 any law to the contrary, the attorney general shall establish a
7 confidential process for persons who wish to anonymously file a
8 complaint against any public employee.

9 (b) A complaint shall be deemed properly filed if the
10 complainant provides the attorney general with:
11 (1) The complainant's full legal name and contact
12 information; and
13 (2) Any other information deemed necessary by the attorney
14 general.

15 (c) Except as provided in subsection (f), the attorney
16 general shall review and forward all properly filed complaints
17 to the department that the attorney general deems appropriate;



1 provided that the attorney general shall redact any information
2 that is likely to lead to the identification of the complainant
3 from the complaint. The attorney general shall act as an
4 intermediary in any necessary communication between the
5 department and complainant to protect the complainant's
6 anonymity.

7 (d) Upon receipt of a complaint pursuant to
8 subsection (c), the department shall:

9 (1) Process the complaint pursuant to the department's
10 standard complaint-processing procedures; and
11 (2) Submit a report to the attorney general describing the
12 disposition of the complaint, including the findings
13 of any investigation conducted and any disciplinary,
14 remedial, or other action taken.

15 (e) Each public employer and department shall inform its
16 employees and the public of the confidential complaint process
17 established pursuant to this section.

18 (f) If the attorney general determines that any conduct or
19 situation described in a complaint it receives pursuant to this
20 section poses an imminent danger or threat to the health or
21 safety of any individual or workplace or the public, the



1 attorney general shall immediately notify the department or
2 other state or county agency, as deemed appropriate by the
3 attorney general.

4 (g) The attorney general shall submit a report on the
5 confidential complaint process established pursuant to this
6 section to the legislature no later than twenty days prior to
7 the convening of each regular session. The report shall
8 include:

9 (1) The number of complaints the attorney general received
10 in the preceding year; and
11 (2) The departments' disposition of the complaints.
12 (h) The attorney general shall adopt rules in accordance
13 with chapter 91 necessary to implement this section.

14 (i) For the purposes of this section, "department" has the
15 same meaning as defined in section 76-11."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 2116

Report Title:

AG; State and County; Departments, Boards, Commissions, Agencies; Public Employees; Confidential Complaint Process; Reports; Rules

Description:

Requires the Attorney General to establish a confidential process for persons to anonymously file complaints against public employees. Requires the Attorney General to review and forward the complaints to the department, board, commission, or agency deemed appropriate by the Attorney General. Requires the departments, boards, commissions, and agencies to process the complaint pursuant to their standard complaint-processing procedures and report the disposition to the Attorney General. Requires the Attorney General to adopt rules and submit annual reports to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

