



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

ON THE FOLLOWING MEASURE:

H.B. NO. 1654, RELATING TO PUBLIC EMPLOYEES.

BEFORE THE:

HOUSE COMMITTEE ON LABOR

DATE: Tuesday, February 10, 2026 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Diana Sumarna, Deputy Attorney General, or
Fiamma M. Rago, Deputy Attorney General

Chair Sayama 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, Hawaii Revised Statutes (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, which must be provided to the attorney general upon the filing of the complaint (page 1, lines 11-12), 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 in a complaint 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 complainant 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, or later, and to provide an unspecified amount of appropriation of funds to

the Department to implement this section, as we continue to consider the impacts of this bill should it pass.

Fourth, rulemaking is likely not necessary to implement this section. To remove a requirement for unnecessary rulemaking, 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.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
Kāneʻohe Elementary School
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Date: 02/10/2026
Time: 9:30 AM
Location: 309
Committee: Labor

Department: Education
Person Testifying: Derek Minakami, NBCT, Principal of Kāneʻohe Elementary School
Title of Bill: HB1654 RELATING TO PUBLIC EMPLOYEES

Position: SUPPORT

Chair Sayama, Vice Chair Lee and Members of the Committee

As a school principal, I recognize the need for school employees to act ethically and adhere to professional norms in order to be responsible stewards of the public's resources and evoke the public's trust. Unfortunately, there may be circumstances where norms are broken and individuals are moved to file a legitimate complaint but do not wish to be identified to the accused.

Under the current system, individual departments utilize their own system, collecting no information about the complainant and treating all anonymous complaints as legitimate until found otherwise. This has led to individuals investigated for baseless claims, only to be cleared after being scrutinized over the course of months and in some cases years. Not only do these investigations waste time and resources, reputations and relationships are damaged in the process.

Hence, the state needs a standardized process where complaints can be received and verified as legitimate before taking any investigative actions. As a supervisor, I am in favor of such a process to reduce time wasted on frivolous complaints fueled by ill intent.

Mahalo for your consideration of this testimony.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Labor

Testimony by
Hawaii Government Employees Association

February 10, 2026

H.B. 1654 — RELATING TO PUBLIC EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of H.B. 1654, 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 H.B. 1654.

Respectfully submitted,

Randy Perreira
Executive Director



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON LABOR
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

Tuesday, February 10, 2026, 9:30 AM
Conference Room 309 & Videoconference

Re: Testimony on HB1654 – RELATING TO PUBLIC EMPLOYEES

Chair Sayama, Vice Chair Lee, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 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** HB1654, 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.

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