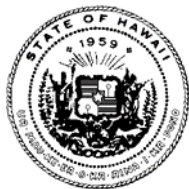


JOSH GREEN, M.D.
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KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

April 7, 2026

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 2091 HD2 SD1 – RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.**

Hearing: April 8, 2026, 10:15 a.m.
Conference Room 211 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure allowing public employers to petition for temporary restraining orders and injunctions against harassment against "public servants," and provides comments. DHS defers to the Department of the Attorney General.

In recent years, DHS staff have been harassed, assaulted, threatened, and stalked while in the course of their work. These additional protections will enhance workplace safety and may encourage experienced individuals to seek and remain in government and leadership roles.

Thank you for the opportunity to provide testimony on this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 04/08/2026

Time: 10:15 AM

Location: CR 211 & Videoconference

Committee: JDC/WAM

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB2091, SD1, RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.

Purpose of Bill: Establishes a two-year pilot project to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees. Appropriates funds. Sunsets 6/30/2028. Effective 7/1/3000. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2091, HD 2, SD 1, which establishes a two-year pilot project to expand protections against employment-related harassment by allowing public employers to secure a temporary restraining order and an injunction against harassment on behalf of a harassed employee under specified circumstances.

HB 2091, HD 2, SD 1 provides a legal mechanism for the Department to protect its employees from work-related harassment.

Thank you for the opportunity to provide support on HB 2091, HD 2, SD 1.



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Third Legislature
2026 Regular Session**

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, April 8, 2026, 10:15 AM
State Capitol
Conference Room 415 & Videoconference

By:
Thomas J. Berger
Staff Attorney for the Hawai'i Supreme Court

Bill No. and Title: House Bill No. 2091, H.D. 2, S.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

Purpose: The purpose of this Act is to establish a two-year pilot project to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees. Appropriates funds.

Judiciary's Position:

The Judiciary strongly supports this bill, which is part of the Judiciary's legislative package, and respectfully requests the Committee pass the measure.

The pressing need for this legislation is demonstrated by the alarming increase in harassment, acts of violence, and threats against public servants. As detailed in the preamble of this measure, multiple studies have shown an increase in harassment, acts of violence, and threats against public officials. A 2021 study by the National League of Cities found that eighty-one per cent of local public officials surveyed said they had experienced harassment, threats, or violence in recent years. In addition to having their safety and well-being threatened, the report



House Bill No. 2091, H.D. 2, S.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

Senate Committee on Judiciary

Senate Committee on Ways and Means

Wednesday, April 8, 2026

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found that harassment and violent behavior interrupted local officials' ability to do their jobs and led to the loss of institutional knowledge. This harassment and violent conduct inhibit the ability of public officials to carry out their critical duties and has the effect of driving people away from public service. Threats and attacks against judges are also increasing nationwide.

Current law allows an individual to obtain a temporary restraining order against harassment on their own behalf. This measure would allow public employers to seek district court restraining orders on behalf of all public servants based on public employment related harassment. California enacted a similar law in the 1990s, which has proven effective in protecting public employees from harassment related to their work. Some examples of the effectiveness of these protections are outlined in the preamble of earlier versions of this bill. They include the Administrative Office of the Courts obtaining a protective order for a judicial official who received death threats from a party in a family court matter, the County of Los Angeles obtaining a restraining order on behalf of five employees who were subjected to stalking and threats of sexual violence by a member of the public, and a state university obtaining a restraining order against a former employee who purchased firearms and made death threats against various employees.

These expanded protections have proven to be effective. Allowing a public employer to pursue protective orders on behalf of public servants lessens the individual burden on these employees as they continue to work on behalf of the public. It also allows public employers to help ensure continuity of operations and maintain a safe working environment for their employees.

The Judiciary crafted this measure in late 2025 to provide this option where warranted and appropriate in light of the increasing threat environment. In recent weeks, the Judiciary and Department of the Attorney General conferred and agreed upon the language as included in this version of the bill, which provides for a two-year pilot project authorizing employers to file petitions for TRO on behalf of all officers and employees of all three branches of state government. The measure also provides the following:

- The Department of the Attorney General shall establish a system by which a public employer of a public servant of the State may retain a private attorney to provide representation to the public employer to pursue an action on behalf of a public servant.
- The definition of public servant was expanded to include all public employees of the State of Hawai'i, meaning all officers or employees of all three branches of state government.
- Staff attorneys for the Judiciary are authorized to represent the Judiciary on behalf of Judiciary employees, and the Judiciary may also retain counsel using its own funds.



House Bill No. 2091, H.D. 2, S.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

Senate Committee on Judiciary

Senate Committee on Ways and Means

Wednesday, April 8, 2026

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- To avoid conflicts, no petition under the pilot project can be maintained through a private attorney when the petitioner and respondent are employed in the same branch of government.
- The authorization for a public employer to petition for relief under this section on behalf of a public servant is discretionary, and includes liability protection for state employers and officials for purposes of the pilot project.
- A petition filed by a public employer of a public servant shall identify the “petitioner” as the respective branch of government, department, or agency; provided that the state judiciary shall be identified as the “Administrative Director of the Courts.”

For these reasons, the Judiciary strongly supports House Bill No. 2091, H.D.2, S.D.1.
Thank you for the opportunity to testify on this matter.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

THE SENATE KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE REGULAR SESSION OF 2026

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Wednesday, April 8, 2026, 10:15 AM
Conference Room 211 & Videoconference

Re: Testimony on HB2091, HD2, SD1 – RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, 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 **supports** HB2091, HD2, SD1, which establishes a two-year pilot project to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees.

Given recent events and the evident rise in incidents of harassment targeting public employees, it seems evident, unfortunately, that this legislation is necessary to protect the rights and dignity of hard-working public employees who are tasked with providing essential services to our communities and are often most vulnerable to this sickening behavior. We urge the committee to pass this measure.

Mahalo for the opportunity to testify on this bill.

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Osa Tui, Jr.
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Vice President

Cheney Kaku
Secretary-Treasurer

Andrea Eshelman
Executive Director

**TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON WAYS AND MEANS &
TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON JUDICIARY**

Item: HB 2091, HD2, SD1 – Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee

Position: Support

Hearing: Wednesday, April 8, 2026, 10:15 am, Room 211

Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association

Dear Chairs Dela Cruz & Rhoads, Vice Chairs Moriwaki & Gabbard, and members of the committees,

The Hawai'i State Teachers Association (HSTA) **supports** H.B. 2091, HD2, SD1, which establishes a two-year pilot project allowing public employers to petition for temporary restraining orders and injunctions against employment-related harassment on behalf of their employees.

The safety and well-being of our educators and all public employees across the state are of the utmost importance. Unfortunately, public servants are increasingly facing alarming levels of harassment, threats, and hostility while simply carrying out their duties and serving our communities. Our teachers cannot effectively educate our students if they feel unsafe, threatened, or targeted in their own schools and workplaces.

By empowering the state to step in and secure these necessary protective orders, this legislation provides a critical layer of security and institutional support for workers who are experiencing harassment. We respectfully urge the committee to pass this important measure to ensure a safer, more supportive working environment for everyone dedicated to public service in Hawai'i.

Mahalo.



The Senate Committees on Ways and Means and Judiciary
April 8, 2026
Room 211
10:15 AM

RE: **HB 2091 HD2 SD1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee**

Attention: Chairs Donovan M. Dela Cruz and Karl Rhoads, Vice Chairs Sharon Y. Moriwaki
And Mike Gabbard, Members of the Committees

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members across Hawai'i's statewide 10-campus system, **supports HB 2091 HD2 SD1.**

UHPA strongly endorses the underlying concept of empowering public employers to petition for temporary restraining orders and injunctions against employment-related harassment. Workplace violence, stalking, and credible threats present unique and heightened safety risks for frontline public workers. By authorizing the employer to step in and secure a protective order on behalf of a harassed employee, this measure appropriately shifts the emotional and financial burden of seeking legal protection away from the individual victim and onto the employer responsible for workplace safety.

Appreciation for the Inclusion of Faculty. We extend our appreciation to prior committees for amending the definition of "public servant" in the HD2 draft and preserving it in the SD1 draft to explicitly include any officer or employee of the executive branch. This inclusive language fixes a severe flaw in previous drafts and ensures that our dedicated University of Hawai'i faculty members are appropriately covered by these protections.

Faculty members are increasingly subjected to harassment simply for fulfilling their professional responsibilities to their students and the community. By expressly including them in this statutory framework, the Legislature ensures the University has the legal tools necessary to maintain a safe and secure learning environment for all. This is a vital public safety measure that will protect both our faculty and the communities they serve.

UHPA supports the passage of HB 2091 HD2 SD1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Fern'.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

University of Hawaii
Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 ♦ Facsimile: (808) 593-2160
Website: www.uhpa.org



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 Judiciary
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

April 8, 2026

H.B. 2091, H.D. 2, S.D. 1 — RELATING TO PETITIONS TO TEMPORARILY RESTRAIN
AND ENJOIN HARASSMENT OF AN EMPLOYEE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of H.B. 2091, H.D. 2, S.D. 1, which establishes a two-year Pilot Project to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees.

For years, our organization has been a staunch proponent for more employer intervention and responsibility when an employee is subjected to work related harassment, threats, and even assault. We have strongly advocated that the employer provide support and assistance if a temporary restraining order (TRO) is necessary and advisable. The proposed process in this bill empowers the employer to do just that. We appreciate the amendment made in the H.D. 2 which expands the definition of “public servant” to include all public employees employed within the State or any of its political subdivisions. All public employees, irrespective of position, should be entitled to the same level of legal protection and support.

It is shameful that employers currently do little to assist an employee in this process, leaving many employees left to navigate the legal process alone and bare any cost associated with filing a TRO. It is the employer's responsibility to foster a safe working environment, and if needed, intervene and take some level of ownership when their employee is put into a hostile situation by a member of the public. Employees should feel assured that their employer is committed to supporting and advocating for them if an unfortunate situation arises when a TRO is necessary.

Thank you for the opportunity to provide testimony in support of H.B. 2091, H.D. 2, S.D. 1.

Respectfully submitted,


Randy Perreira
Executive Director

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

TESTIMONY IN SUPPORT OF HB 2091, HD2, SD1 - RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard, Senator Hashimoto for my Maui district, Senator DeCoite of Maui, and Members of the Committee,

My name is Christine Andrews, and I am an attorney licensed in Hawai'i for over 25 years and a long-time resident of Wailuku, Maui. I write to you today in **very strong support of HB 2091, HD2, SD1**, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee, which establishes a two-year pilot project to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees and appropriates funds.

I first heard about this bill when it came up at a hearing I was attending on another measure, but this subject is very near to my heart as someone who engages in pro-democracy education in the legal community. I am a member of both Lawyers Defending American Democracy and the American Bar Association Task Force for American Democracy. I attended a Task Force panel last year that included judges from South Africa, Latin America, Hungary, and U.S. federal court judges who spoke from personal experience about threats judges have faced when upholding their role within the third pillar of government, the judiciary, in the discharge of their duties. There were foreign judges who were forced to flee their countries of origin in fear for their lives for upholding the rule of law in the face of an authoritarian executive. One of the U.S. federal court judges spoke about an attacker who came to her home under the guise of delivering pizza, and murdered her son who answered the door. Another judge spoke of threats to herself and her family, and how state and federal judges, nationwide, are subjected to doxing and intimidation by having pizzas delivered to them, at home, in the name of family members, as a form of intimidation to say, "I know where you live and who your family members are."

Judges are not the only ones who have been subjected to threats, intimidation, attacks and violence. In Minnesota, Minnesota State Representative Melissa Hortman and her husband, Mark, were fatally shot in a targeted, politically motivated assassination last June.

It should be noted that state lawmakers and state and federal court judges do not have personal protection provided by the government to protect them from attacks that result from them fulfilling their legal and constitutional responsibilities. Based upon what is happening nationwide, where lawmakers and judges, in particular, are being increasingly subjected to intimidation, threats, and violence at the hands of political extremists or aggrieved parties, I request your **strong support of HB 2091, HD2, SD1** as a necessary measure to protect civil servants employed in all branches of government.

Mahalo nui,

Christine Andrews, JD