



**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. 2455, H.D. 1, RELATING TO EMPLOYMENT PRACTICES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, March 3, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lauren A. Sugai or Li-Ann Yamashiro, Deputy Attorneys General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The bill amends section 378-72, Hawaii Revised Statutes (HRS), to allow employees of certain employers to take unpaid leave if the employee or the employee's minor child is a victim of either workplace violence or threat of workplace violence.

The bill amends the title of section 378-72, HRS, to read "[l]eave of absence for domestic, sexual violence, or workplace violence" while the text of the section refers to "domestic, sexual violence, or workplace violence or threat of workplace violence." This phrasing is not fully parallel and could create ambiguity as to whether "domestic" is intended to stand alone as part of the phrase "domestic violence," or instead to modify "sexual violence."

To ensure parallel construction and avoid any potential ambiguity, the Department recommends amending the title to read: "Leave of absence for domestic, sexual, or workplace violence." The phrasing throughout the bill should likewise be amended to read "domestic, sexual, or workplace violence, or threat of workplace violence."

Additionally, on page 6, line 12, section 378-72(d) uses the phrase "domestic abuse" for the first and only time. For consistency with the remainder of the section, which uses the term "domestic violence," we recommend amending that reference to "domestic violence."

We respectfully request the Committee consider our comments. Thank you for the opportunity to testify.



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

Date: 03/03/2026

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: JHA

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB2455, HD1, RELATING TO EMPLOYMENT PRACTICES.

Purpose of Bill: Requires certain employers to provide administrative leave of absence for victims of workplace violence or threat of workplace violence. Expands the type of certification an employee may provide to an employer if the leave exceeds five days per calendar year. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2455, HD 1, which would allow Department employees who are victims of workplace violence or threat of workplace violence to be entitled to administrative leave for up to ten (10) days per calendar year for purposes directly related to the employee's safety or pursuit of legal protections. HD 1 amended the bill to provide administrative leave rather than leave through existing paid leave benefits. This bill also provides clarification of the definition of workplace violence or threat of workplace violence and the certification that an employee may provide to the employer if the leave exceeds five (5) days per calendar year.

Thank you for the opportunity to provide testimony on HB 2455, HD 1.



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Osa Tui, Jr.
President

Logan Okita
Vice President

Cheney Kaku
Secretary-Treasurer

Andrea Eshelman
Executive Director

TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Item: HB 2455, HD1 – Relating to Employment Practices

Position: Support

Hearing: Tuesday, March 3, 2026, 2:00 pm, Room 325

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

Dear Chair Tarnas, Vice Chair Poepoe, and members of the committee,

The Hawai'i State Teachers Association **strongly supports** H.B. 2455, HD1, which provides critical leave protections for employees facing workplace violence or credible threats. This measure addresses a rising and acute crisis in our schools, where educators and school-based staff increasingly report being subjected to harassment, intimidation, and threats of physical harm.

Currently, while Hawai'i law provides unpaid leave for victims of domestic or sexual violence, there is no explicit protection for those targeted by violence arising specifically from their employment. Educators are in public-facing roles and frequently interact with members of the community, making them vulnerable to incidents that require immediate legal or safety-related actions.

H.B. 2455, HD1 ensures that teachers do not have to choose between their safety and their livelihoods. By allowing a reasonable amount of paid leave which can be satisfied through an employer's existing leave benefits, the bill empowers employees to seek restraining orders, meet with law enforcement, or consult with attorneys during critical moments of risk.

These protections support employee safety, reduce the risk of escalation, and help maintain stable learning environments for our students. We urge the committee to pass this bill to ensure that those who dedicatedly serve Hawai'i's keiki are afforded the protection and peace of mind they deserve.

Mahalo.



March 3, 2026

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

Re: H.B. 2455, H.D. 1, Relating to Employment Practices

Hearing: Tuesday, March 3, 2026, 2:00 PM, Conference Room 325 & Videoconference

Dear Chair Tarnas, Vice Chair Poepoe, and the Members of the Committee:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers submits testimony in support of H.B. 2455, H.D. 1, which requires certain employers to provide unpaid and paid leave of absence for victims of workplace violence or threat of workplace violence.

H.B. 2455, H.D. 1 recognizes a growing and deeply concerning reality that employees are increasingly subjected to harassment, stalking, intimidation, and credible threats arising out of their employment. While existing law provides leave protections for victims of domestic or sexual violence, it does not clearly address workplace violence. This bill closes that gap by extending job-protected leave and creating a narrowly tailored paid leave provision, satisfied through existing accrued leave, so that employees may seek restraining orders, attend court proceedings, consult with law enforcement or attorneys, and take other necessary safety-related actions without risking retaliation or loss of income.

Women are disproportionately impacted by workplace harassment and often face unique safety risks. Ensuring that employees do not have to choose between their personal safety and their livelihood promotes both economic security and access to justice. By strengthening leave protections and reinforcing anti-retaliation provisions, H.B. 2455 advances workplace equity and helps ensure that Hawaii employees can respond promptly and safely to credible threats.

For the above reasons, we support H.B. 2455, H.D. 1 and respectfully request that the Committee pass this measure.

Thank you for the opportunity to testify in support of this measure.



The House Committee on Judiciary & Hawaiian Affairs
March 3, 2026
Room 325
2:00 PM

RE: **HB 2455 HD1, Relating to Employment Practices**

Attention: Chair David A. Tarnas, Vice Chair Mahina Poepoe, Members of the
Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members, **supports HB 2455 HD1.**

UHPA supports the intent of HB 2455 HD1 to provide job-protected leave for victims of workplace violence. We deeply appreciate the prior amendments made to this measure—specifically the shift in Section 2, subsection (b), to mandate that this time off be provided specifically as "administrative leave."

Under Article XX of our Collective Bargaining Agreement, the Employer is obligated to provide a safe working environment, including "security and protection at all University facilities." When the Employer fails to maintain a safe environment—resulting in a threat "arising out of employment"—the cost of the remedy should be borne by the Employer. By ensuring this leave is categorized as administrative leave, the current HD1 draft properly places the financial responsibility on the employer. This crucial amendment ensures that victims of work-related violence are not financially penalized for seeking safety, protects employees from having to deplete their own accrued sick leave or vacation banks, and ensures equitable protection for our 9-month and 11-month faculty who do not accrue vacation leave.

UHPA supports the passage of HB 2455 HD1.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly



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 House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 3, 2026

H.B. 2455, H.D. 1 — RELATING TO EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of H.B. 2455, H.D. 1, which requires certain employers to provide administrative leave of absence for victims of workplace violence or threat of workplace violence.

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 received numerous reports from our members working for the State who have experienced incidents of harassment. Many of our members provide public-facing services, which elevates the risk of becoming a victim of workplace violence from members of the public. We would like to note that the employers already have the authority to provide administrative leave for their employees, and unfortunately in many circumstances, administrative leave is not offered. It is shameful that employees must use their accrued vacation leave to seek the necessary protection due to a situation that arose during the course of their employment. We appreciate the intent of this measure, and if passed, our members would be able to use administrative leave to seek out the necessary judicial and legal protections, including obtaining a temporary restraining order.

Thank you for the opportunity to provide testimony in support of H.B. 2455, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



March 2, 2026

Position: **SUPPORT** of **HB2455 HD1**, Relating to Employment Practices

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

From: Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in **SUPPORT** of **HB2455 HD1**, Relating to Employment Practices

Hearing: Tuesday, March 3, 2026, 2:00 p.m.
Conference Room 325, State Capitol

The Hawaii State Commission on the Status of Women is dedicated to advancing the safety, equity, and well-being of girls and women across the state. The Commission **supports HB2455 HD1** because it **addresses the critical need for workplace protections and support for individuals who experience or are threatened by workplace violence**. Access to leave in these circumstances is essential for ensuring the physical and emotional safety of workers, particularly those who are at heightened risk of experiencing the intersectional impacts of gender-based violence and workplace harassment.

This measure **protects employees from retaliation and enables workers to address their immediate safety and recovery needs** like seeking restraining orders, meeting with law enforcement, or attending court proceedings, **without jeopardizing their employment**. The ability to take leave, whether for medical care, counseling, or legal proceedings, can be a decisive factor in an individual's ability to recover and maintain employment. Expanding the types of acceptable certification for extended leave also **reduces administrative barriers** for those who may not have immediate access to traditional documentation, such as police reports.

HB2455 HD1 aligns with research and trauma-informed best practices indicating that **workplace policies supporting victims of violence contribute to greater employee retention, productivity, and overall workplace safety**. Such policies are particularly crucial for women and gender minorities, who are statistically more likely to experience certain forms of workplace violence and may otherwise face retaliation or job loss for seeking help.

The Commission appreciates the Legislature's attention to this issue and urges **this Committee to pass HB2455 HD1**, protecting Hawaii's workforce and those most vulnerable to workplace violence. Thank you for this opportunity to submit testimony.



Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Judiciary Committee,

AF3IRM Hawai'i strongly supports HB2455.

AF3IRM Hawai'i is a transnational feminist organization dedicated to organizing against oppression in all its forms, with women's liberation at the center of our mission. We are an all-volunteer organization whose membership includes gender-based violence (GBV) survivors, advocates, and professionals working in the GBV field. We witness firsthand the real and immediate impacts that violence and credible threats have on workers' safety, stability, and livelihoods.

HB2455 is a necessary and responsible measure that provides protected and paid administrative leave for victims of workplace violence or credible threats arising out of employment. This bill closes a critical gap in existing law by recognizing that violence occurring in connection with one's job requires a workplace-based response.

Employers have a fundamental responsibility to provide a safe work environment for their employees. When violence or credible threats arise in the course of employment, whether from clients, customers, students, members of the public, or other third parties, it is not solely the burden of the individual employee to absorb the consequences. HB2455 provides employers with a clear, structured mechanism to uphold their duty of care by allowing employees time to secure restraining orders, consult with law enforcement or attorneys, and take immediate safety measures without fear of retaliation or economic harm.

It is absolutely critical that this leave be paid and separate from accrued PTO or sick leave. Employees facing credible threats should not be forced to exhaust their vacation time or choose between protecting their safety and maintaining financial stability. Paid administrative leave ensures that workers can respond swiftly to escalating threats, which ultimately reduces risk to the broader workplace community.

This bill strengthens workplaces by supporting timely intervention, promoting accountability, and reinforcing the principle that safety is a shared responsibility, not an individual hardship to navigate alone.

For these reasons, AF3IRM Hawai'i urges the committee to pass HB2455.

Thank you for the opportunity to submit testimony in strong support of this measure.

Sincerely,
AF3IRM Hawai'i



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

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

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 3, 2026, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on HB2455, HD1 – RELATING TO EMPLOYMENT PRACTICES

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

UPW **supports** HB2455, HD1, which requires certain employers to provide unpaid and paid leave of absence for victims of workplace violence or threat of workplace violence.

Employers who respect, value, and care for their employees should be willing to provide leave, whether it be paid or unpaid, to victims of violence in the workplace. As the exclusive representative for Bargaining Units 1 and 10, we strongly believe that legislation like this is needed given the rise in incidents of workplace violence, or the threat thereof, in the public sector. State and county employees are responsible for providing essential government services. This often requires a level of engagement with the public that can leave public workers susceptible to these acts of violence.

We further believe an employer should be required to provide additional paid leave beyond any existing leave benefits an employee has accrued or is entitled to. As such, should this measure be passed, we request the committee consider an amendment to Subsection (a) on Page 6, Line 1, by deleting the word “not”.

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

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HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Date: Tuesday, March 3, 2026, 2:00 PM Conf. Rm. 325

Re: FUJIWARA & ROSENBAUM Testimony in Strong Support of H.B. No. 2455, H.D. 1, RELATING TO EMPLOYMENT PRACTICES

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Fujiwara & Rosenbaum, LLC has spent nearly forty years advocating for the civil rights of workers throughout Hawai'i. Our extensive experience litigating employment discrimination, retaliation, and hostile work environment claims under **HRS Chapter 378** provides us with a grounded understanding of what happens when workplace hostility escalates into credible threats and physical harm. This bill addresses not only harassment, but **stalking, intimidation, and physical violence arising out of employment.**

The Need for This Legislation

As the Legislature has recognized, incidents of workplace violence have increased nationally and in Hawai'i, particularly among public-facing workers. Healthcare workers, educators, retail employees, and government staff are reporting escalating incidents that move beyond verbal hostility into **physical aggression and credible threats of bodily harm.**

The current national climate makes this measure even more urgent. The tone set by national leadership matters. When those in power repeatedly model ridicule, personal attack, and contempt for dissent—particularly toward women—harassment does not remain rhetorical. It becomes behavioral. Women in workplaces across this country are experiencing the downstream effects: increased hostility, threats, and intimidation linked to the normalization of grievance politics. This harm is foreseeable, measurable, and preventable.

Under settled principles of tort law, workplace safety doctrine, and civil rights jurisprudence, foreseeable harm triggers duty. Protected leave during periods of targeted hostility is not political favoritism—it is a lawful and proportionate safeguard designed to prevent injury. This is not an abstract concern. It is being borne out in emergency rooms, classrooms, and government offices.

Foreseeability of Harm and Employer Duty

Under basic tort doctrine, when harm is reasonably foreseeable, a duty arises to mitigate that risk.

Under **HIOSH, HRS § 396-6** and the **OSHA General Duty Clause**, 29 U.S.C. § 654(a)(1)), employers must provide a workplace free from recognized hazards likely to cause serious physical harm or death.

Where an employee faces:

- Physical assault by a patient, client, parent or member of the public

- Credible threats of violence tied to their employment duties
- Escalating intimidation that creates a reasonable fear of bodily harm

The hazard is recognized and foreseeable.

Protected leave in such circumstances operates as a safety intervention. It allows time to:

- Seek temporary restraining orders
- Obtain medical treatment
- Coordinate with law enforcement
- Secure counseling
- Allow credible threats to be assessed and mitigated

Denying such leave forces employees to choose between safety and economic survival.

Alignment with HRS Chapter 378

HRS Chapter 378 prohibits discrimination and retaliation. Workplace hostility that is severe or pervasive—including conduct that is physical in nature—can constitute a hostile work environment. **Women and minority employees are statistically more likely to experience certain forms of workplace violence and intimidation, particularly in public-facing roles.**

When employers know or should know that an employee has been assaulted, threatened, or subjected to escalating aggression, they must take prompt remedial action. Providing administrative leave during periods of danger is consistent with employer obligations under state and federal civil rights law.

Failure to act increases exposure to:

- Retaliation claims
- Constructive discharge claims
- Emotional distress damages
- Negligent retention or supervision claims

This bill strengthens employer compliance frameworks.

Administrative Leave Is the Correct Designation

When violence arises out of employment, the financial burden should not fall on the victim.

Requiring employees to exhaust accrued sick leave or vacation leave:

- Penalizes them for being targeted
- Disproportionately harms lower-wage workers
- Discourages reporting
- Undermines safety compliance

Under HIOSH, OSHA, CMS regulations (42 C.F.R. § 482.13(c)(2)), and numerous collective bargaining agreements, employers bear responsibility for maintaining safe work environments. Designating leave as **administrative leave** properly allocates responsibility to the employer and reflects established safety doctrine.

Another Hawai‘i Example

A recent Hawai‘i case, **Warren v. Maui Health System, a Kaiser Foundation Hospital, LLC dba Kula Hospital**, Civil No. 2CCV-26-0000049 (2d Cir. Feb. 13, 2026), illustrates the lived reality: a Black certified nursing assistant was subjected not only to persistent verbal abuse but to physical assault by a patient during the course of her employment. Without protected leave, workers in such circumstances risk retaliation, discipline, or job loss for taking steps to protect themselves.

Anti-Retaliation Protections

The bill appropriately prohibits employers from discharging, threatening, coercing, discriminating against, or retaliating against employees who exercise their rights under this section.

It allows leave for:

- Court proceedings
- Meetings with law enforcement
- Medical and psychological care
- Legal consultation
- Other reasonable safety measures

These provisions are essential for real-world enforceability.

Recommended Technical Amendments

1. Amend the title to read:
“Leave of absence for domestic, sexual, or workplace violence.”
2. Amend phrasing throughout to read:
“domestic, sexual, or workplace violence, or threat of workplace violence.”
3. Amend page 6, line 12, replacing “domestic abuse” with “domestic violence” for consistency.

Effective Date

The placeholder effective date of July 1, 3000 should be replaced with an immediate or near-term date. **Workers need protection now.**

Conclusion

This measure does not create new liability. It responds to documented, foreseeable harm. When violence or credible threats arise from employment, workers should not bear the financial or professional cost of protecting themselves. H.B. No. 2455, H.D. 1 is a lawful, proportionate, and necessary safeguard consistent with HRS Chapter 378, HRS § 396-6, and established workplace safety principles. Fujiwara & Rosenbaum, LLC respectfully urges passage with a revised effective date.

Mahalo for the opportunity to testify.

HB-2455-HD-1

Submitted on: 2/27/2026 9:14:41 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support w/comment DOCUMENTED ON JOB APPLICATION "FIRE AT WILL" NEW HIRE INCLUDING ALL EMPLOYEES.

2455 HB RELATING TO EMPLOYMENT PRACTICES.

HB-2455-HD-1

Submitted on: 3/2/2026 10:50:26 AM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Thank you for this opportunity to support HB2455 HD1.

HB-2455-HD-1

Submitted on: 3/2/2026 1:16:36 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vanessa Corwin	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Judiciary Committee,

I am writing to submit testimony in support of HB2455, with comments.

HB2455 is a much-needed measure that provides protected leave for victims of workplace violence. Experiencing harm or threats of harm at your place of employment can lead to many difficulties and hardships. Having worked with those experiencing workplace violence as a victim advocate, I know that it can be immensely time-consuming to take steps to ensure you and your colleagues' safety.

It makes no sense to put the responsibility for workplace safety on individuals, when it should be the liability of the employer. Employees should not have to use their hard-earned sick and vacation leave to handle work-related matters. This is why I respectfully request that the Committee consider amending the bill's language to require employers to provide paid leave for employees to pursue safety and healing from workplace violence.

Thank you for the opportunity to submit testimony in support of this measure.

Sincerely,

Vanessa Corwin

HB-2455-HD-1

Submitted on: 3/2/2026 2:22:51 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-2455-HD-1

Submitted on: 3/2/2026 8:55:39 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsay Chambers	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the committee:

When an employee faces credible threats because of their job, they should not have to choose between their safety and their paycheck. Seeking a TRO, meeting with law enforcement, or preparing for court often happens during work hours and at urgent moments. Employees should not be penalized for taking steps to protect themselves.

I appreciate that this bill creates a clear administrative leave category for workplace violence. An employee responding to threats tied to their job is not sick, and they are not on vacation. This is workplace-related harm, and the responsibility to address it should be shared by the employer or organization, not carried solely by the employee.

This bill strikes a reasonable balance while maintaining safeguards. Thank you for your continued attention to employee safety.

HB-2455-HD-1

Submitted on: 3/2/2026 9:48:14 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Meehan	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Thank you.

Ted Meehan