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**TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,  
ON H.B. NO. 1982, A BILL FOR AN ACT  
RELATING TO CUSTOMER SERVICE**

**HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT  
JANUARY 22, 2008**

Chair Sonson and Members of the Committee:

Thank you for the opportunity to present comments on H.B. No. 1982. The purpose of this bill is to require the Ombudsman to develop and implement a pilot program using informed customers to investigate customer service at state agencies.

While I have not had sufficient opportunity to consider the purpose and scope of the proposed pilot program and the impact that it may have on the current operations of the office, I would like to offer the following comments.

As you know, the function of the Ombudsman is to investigate complaints from the public about administrative acts of executive branch agencies. We determine whether a complaint is substantiated or not substantiated by measuring the agency's action against the standards of the statutory law; the decisional law of the courts; administrative rules and regulations; practices and procedures of the agency involved; and the principles of administrative fairness.

If we determine that an agency has acted in a mistaken, unfair, arbitrary, or illegal manner, we may make recommendations for corrective action. However, the Ombudsman has no power to enforce these recommendations or to compel an agency to take any corrective action, and instead, must rely on reasoned persuasion. Therefore, the findings, conclusions, and recommendations we make must be fair and reasonable, firmly grounded in fact, administratively sound, and in accordance with law. It is only when these conditions are met that the Ombudsman's recommendations can be effective and persuasive. The stature of the office thus depends on the objectivity and high professional standards of our work.

The manner in which state employees deliver services to customers can be considered to fall within the definition of "administrative act" and therefore would be within the jurisdiction of the Ombudsman. However, in order to not adversely impact the stature of the office, the proposed pilot program will need to be structured to objectively evaluate the quality and level of customer service delivered by the various state agencies. In addition, sufficient funding will need to be appropriated to the office to allow us to contract a private firm to carry out the pilot program, including selecting and training persons to act as the informed customers who will be observing the various agencies. At this time, I do not know the magnitude of funding that would be required for such a contract.

If it is the intent of this committee to pass this bill, I would like to request that this committee consider amending it to specify which agencies the pilot program should evaluate. As currently drafted, it appears every State executive branch agency that is within the jurisdiction of the Ombudsman, including State boards and commissions, would need to be included in the pilot program.

Thank you, again, for the opportunity to provide comments on H.B. No. 1982. If you have any questions regarding my comments, I would be happy to answer them.