

THE HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

TESTIMONY OF ILWU LOCAL 142 RE: SB 2473
RELATING TO WORKPLACE PRACTICES

Hearing: Friday January 29, 2010

Time: 9:30 a.m.

Place: Conference Room 309, State Capitol

Chairman Rhoads, Vice Chair Yamashita, and Members of the Committee:

Thank you for affording us the opportunity to present testimony regarding SB 2473. We oppose workplace bullying and agree that abusive work environments should constitute an occupational safety violation.

Moreover, we think that the distinction drawn in SB 2473 between ordinary workers' compensation stress claims and abusive work environments is a constructive one. Many employees who endure abusive work environments or who are subjected to workplace bullying prefer to avoid the stigma of illness and victimization that can accompany the assertion of a work injury claim. These same employees often do not want to be perceived as disabled or injured, but desire nothing more than freedom from harassment and oppression and the right to do their jobs conscientiously and in peace without interference.

Section 396-G of this bill permits employees to elect either workers' compensation or a civil action against abusive conduct. The latter action against abusive conduct also permits injunctions against the abusive conduct, and an award of appropriate damages, and attorneys' fees and costs.

SB 2473 does not try to correct every perceived slight that occurs in the workplace nor remedy each trivial instance of bruised feelings that arises on the job, however. An "abusive work environment" is thoughtfully defined to mean "a workplace where an employee is subjected to abusive conduct *that is so severe that it causes physical or psychological harm to the employee.*" (*italics supplied*) Absent proof of the requisite physical or psychological harm, no occupational safety violation exists.

Affirmative defenses are furnished in Section 396-D for employers who exercise reasonable care to prevent and promptly correct abusive conduct and for negative employment decisions that are made consistent with legitimate business interests. HB 2473 therefore prudently includes checks and balances which maintain traditional

employer prerogatives to administer discipline to the workforce and to manage the business enterprise.

Section 396-F of the bill provides for an educational component which will allow the department to disseminate, at no cost to employers, information about abusive work environments and the legal consequences for employees and employers of perpetuating or contributing to such abuse. Over time, this far-sighted provision may be HB 2473's most constructive feature toward reducing industrial strife and promoting industrial safety.

Finally, we do question, why Section 396-C(2)(A) concerning liability exempts employers who directly commit abusive conduct from punitive damages where "the abusive conduct *did not result* in a negative employment decision." (*italics supplied*) A "negative employment decision" is defined in Section 396-A as "a termination, refusal to promote, disciplinary action, or interference with subsequent work opportunities by defamatory evaluation." Yet, a series of gratuitous and demeaning remarks, an instance of humiliating ridicule, or an obscene gesture all may be delivered with malice and have such traumatizing effect upon an employee that the sanction of punitive damages is entirely appropriate, even though the remarks, ridicule, or obscene gesture are completely divorced from any negative employment decision. The exemption from punitive damages for all but negative employment decisions is thus irrational and should be deleted from the bill.

In summary, ILWU Local 142 supports the passage of HB 2473 but suggests that the bill can be further enhanced by adoption of the amendment suggested above.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor & Public Employment

Testimony by
Hawaii Government Employees Association
January 29, 2010

**H.B. 2473 – RELATING TO
WORKPLACE PRACTICES**

The Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 2473 – Relating to Workplace Practices. H.B. 2473 defines abusive conduct, creates a cause of action for affected employees, and charges the Department of Labor Industrial Relations to develop and disseminate information on abusive conduct to employers. This legislation also makes abusive conduct an occupational safety and health violation and compensable through a workers' compensation claim.

Abusive work environments can have serious health effects on targeted employees, including stress, loss of sleep, anxiety, depression, hypertension, and stress-related gastrointestinal disorders. Such environments can also have adverse consequences for employers, in the form of reduced employee productivity, low morale, and higher turnover and absentee rates. Abusive work environments have also led to significant increases in medical and worker compensation costs. Eliminating abusive conduct in the workplace serves both the employer's and the employee's best interests.

Unless targeted employees are subjected to abusive treatment on the basis of a protected class status (race, sex, national origin or age), they are unlikely to have any recourse or redress for such treatment. This proposed legislation addresses that discrepancy and offers employees an avenue to address and pursue a remedy to the workplace abuse.

During the 2006 Legislative Session, we had the opportunity to testify in support of Senate Concurrent Resolution 106 and Senate Resolution 62, which urged employers to develop and implement policies to reduce workplace bullying. It has always been our position that employees be afforded a safe and healthy work environment. We are pleased that this proposed legislation accomplishes that objective for all employees.

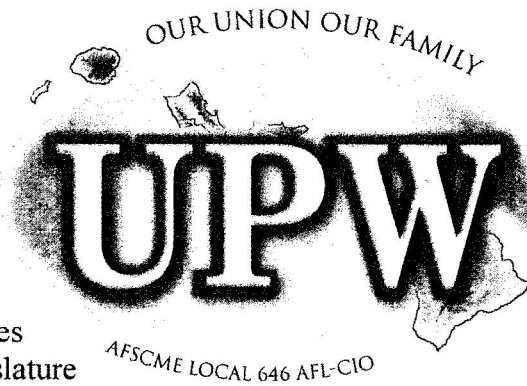
Hawaii State House of Representatives
Committee on Labor & Public Employment
January 29, 2010
Re: H.B. 2473 – Relating To Workplace Practices
Page 2 of 2

We appreciate the opportunity to testify in support of H.B. 2473.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora A. Nomura". The signature is fluid and cursive, with the first name being the most prominent.

Nora A. Nomura
Deputy Executive Director



House of Representatives
The Twenty-Fifth Legislature
Regular Session of 2010

Committee on Labor & Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

DATE: Friday, January 29, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 309

**TESTIMONY OF THE UNITED PUBLIC WORKERS, LOCAL 646, ON HB 2473,
RELATING TO WORKPLACE PRACTICES**

HB 2473 makes abusive conduct against an employee in the workplace a violation of occupational safety and health law. **UPW strongly supports this measure.**

In the majority of cases reported, workplace bullying has been perpetrated by a manager and takes a wide variety of forms: unfair treatment, public humiliation, threats of job loss, unfairly passed over for promotion or denied training opportunities.

Statistics from the 2007 WBI-Zogby survey show that 13% of U.S. employees are currently bullied, 24% have been bullied in the past and 12% witness workplace bullying. Nearly half of all American workers (49%) have been affected by workplace bullying, either being a target themselves or having witnessed abusive behavior against a co-worker. In terms of gender, the Workplace Bullying Institute (2007) states that women appear to be at greater risk of becoming a bullying target, as 57% of those who reported being targeted for abuse were women.

Organizations are beginning to take note because of the financial costs. An ILO (2009) analysis of bullying estimated a cost of 1.88 billion pounds plus the cost of lost productivity. Based on replacement cost of those who leave as a result of being or witnessing bullying, Rayner and Keashly (2004) estimated that for an organization of 1000 people, the cost would be \$1.2 million US. This estimate did not include the cost of litigation should victims bring suit against the organization.

The establishment and enforcement of minimum health and safety standards can reduce workplace bullying, employee injuries and illnesses, and also lessen the burden on businesses. For these reasons we urge passage of this measure.

HEADQUARTERS - 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631
HAWAII - 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-3424
KAUAI - 4211 Rice Street ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412
MAUI - 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815
1-866-454-4166 (Toll Free, Molokai/Lanai only)

My name is Kathleen Yamashiro and I am here to testify in support of HB 2473.

This House Bill is one that will address the Hawaii's workplace to ensure a safe and hostile free environment. I am hoping to have this Bill passed this Legislative Session so that what I have experienced will not happened to anybody else in the future.

I have been employed with the State of Hawaii for 26 years and had transferred to my present position in 8/07. Of the 26 years my yearly Job Performance Reviews has met or exceeded expectations.

Starting 9/07, I began experiencing psychological and physical problems due to my Supervisor's management style which included yelling and intimidation. My Supervisor's inappropriate conduct has had a negative affect on my clients whereby I have had to calm their fears before assisting them. (see attached letter from a client).

The last time my supervisor yelled/shouted at me was when my son, Anthony passed away. Anthony passed away unexpectedly at the age of 24 years old on 3/24/09. On 3/31/09, I called my Supervisor intending to ask for an extended leave till the end of 4/09. My supervisor started yelling/shouting telling me that (I had a lot of work, I had things to do that needed tending to, that she was sorry for my loss but I had to understand that she had a unit to run). I told her that I would return to work the next day.

My Supervisor yelled so loud that my husband heard her shouting five feet away from me. She called back about 10 minutes later and spoke in a nice tone of voice and told me that it was okay for me to take off. Fearing that she would yell at me again, and be intimidating upon my returned to work, I told her that I would return on 4/9/09, three days after the funeral.

When I got back to work my co-workers questioned my early returned. They all reported that my work was good and none of my cases needed immediate attention. My work that day was regular and no immediate things to tend to.

On 8/25/09, my supervisor called me into her office to discuss a work issue. She raised her voice and spoke with an unkind tone, facial expression and body language. On Friday, 8/28/09, I tried to talk to the supervisor about how I felt and my health issues. She again spoke with a raised voice, unkind facial expression and body language. I left that day and have not returned since.

I have provided my Administrators with letters from three of my doctors recommending a transfer to a hostile free work environment. That did not happen.

Through research, I have found that there are no State laws governing these issues in the workplace. I am humbly asking the Legislature to support this Bill making it unlawful to inflict psychological distress, intimidate, harass, and/or verbally abuse other

employees. The Workplace should be a place that is free of hostility to promote productivity and to ensure that the Public receives quality service in a timely manner.

In closing, I sincerely thank you all for taking the time to hear my concerns and hope that you will find favor in this House Bill.

monday nov 30, 2009

TO WHOM THIS MAY CONCERN,

My name is

*SUPERVISOR

I wanted to talk to a supervisor to explain my situation. I talked to ms. * of the * unit. She basically told me the paper that I turned in was not turned in. I explained to her that I turned it in but I don't remember the date. She then used an ~~un~~ uncalled ~~tone~~ tone with me on how I should of signed in. However who ever was working that day told me to hand her the papers and she will give them to ms. I did ask if I had to sign in the lady said no. So I feel it was very unfair to me to get the blame of that paper being misplaced because I drove from makaha to hand it in. Ms. * was very rude when none of this was my fault.

because the way i was treated today by ms
* was wrong. I hope this doesnt happen
again. I'll sign in @ all times.

Thank You Mrs. for helping
me with my case. I look forward to you being
my new worker.

Thank You.

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STATE OF HAWAII
MRS/RESSON

My name is Clayton Yamashiro and I am here to support my wife, Kathleen Yamashiro and this House Bill 2473.

These past few years have been filled with anger, frustration and helplessness as I have had to stand by and watch my wife and her health suffer because of her work situation. There has been many days and nights when my wife experiences anxieties, fears, problems sleeping and staying asleep, and physical problems. Everyday, she would say, "I'm gonna be okay, right!"

From 4/08 thru 12/08, I took my wife to work, picked her up for lunch and picked her up after work. I also called her during the mid-morning always assuring her that she would be okay.

A week after my son, Anthony's passing, my wife called the supervisor to request an extended vacation leave. The supervisor yelled so loud that I heard her through the cell phone five feet away. My wife and I were shocked at this behavior and outburst. I was very angry.

I admire my wife's efforts in trying to get this Bill passed because she knows what other employees have endured and is determined that no one should suffer as she has. Her thoughts are that she can try to make a difference.

Thank you for the opportunity to express my concerns and to testify on behalf of my wife.

HB2473

Honorable Chair Rhodes... Esteemed committee members.

Good afternoon

Thank you for allowing me to testify before this committee.

My name is Gregory Peterson..... I am a public employee! I work for the Department of Human Services Management Services Quality Control office. I have worked for the Department for 19 years 3years in my current position as a Quality Control reviewer.

I am also a steward for HGEA, I have been so since 1995. In testifying before this committee, I do not represent HGEA or speak for HGEA.

I am testifying in support of Ms. Yamashiro and the prospective legislation arising from her working conditions as a public employee.

Mr. Chairman & committee membersSince the Governor implemented layoffs & furloughs.... I have become a conduit for fellow co-workers and other public workers, to articulating their concerns about the growing culture of intimidation and coercion in the workplace. These individuals are afraid of going through proper channels for fear of reprisal and retribution.

Ms. Yamashiro's situation and others arises from middle management's pressure to deliver services timely and appropriately.

It is my opinion that the governor has not explained the formula on how her administration arrived at in implementing the layoffs.. other than by position number and recommendations from department heads? As a result of this plan many offices are without adequate staffing to get the job done! For example a Dept of Human Services supervisor stated to me that "she only has a secretary and her clerical staff had been laid of, this impact how we deliver services".

Despite the political rhetoric and some public opinion that "lucky you have a job" in no way justifies an atmosphere of intimidation & coercion. If this issue is not addressed than situations like Ms. Yamashiro's will only escalate.

Possible solutions to this problem include legislation and or forming a joint labor, management, legislative task force to address this problem and look at prioritizing and identifying what our core services & programs are and, determine appropriate ways to streamline government to deliver services & programs in a timely and efficient manor.

Thank you,

Gregory Peterson

Tel: 292-5612 e-mail: gregpe@hawaiiintel.net

Testimony for HB2473
Relating to Workplace Practices;
Occupational Safety, Abusive Work Environment
January 29, 2010

My name is Ann G. (Angie) Tam Sing and I am a retiree from the Department of Human Services. I was employed by DHS from November, 1972 through June 2004. I began as a Social Service Assistant and retired from the position of Eligibility Administrator for the Med-QUEST Division, a position I held for 9 ½ years. Prior to that I spent 12 years in positions of supervisor or administrator. I believe that these years of management experience give me some credibility with the issue of workplace behavior that I discuss below.

Ms Kathleen Yamashiro has authorized the use of her name and situation for this testimony. Her situation is being provided to give a current example of an abusive work environment and its affects on an individual. I have known Ms. Yamashiro for over 25 years, first as a fellow parent at our sons' baseball and soccer games and later as her Administrator at the Department of Human Services. During that time I have known her to be a positive, competent, hard working and caring individual, both at work and in her personal life. At work she would take on additional work in efforts to help her understaffed office. Her caring manner helped ease the difficult process for a welfare or food stamp applicant. She has always been an employee that can be depended upon, is open and friendly to her fellow employees and who does her best to meet all of the job's expectations.

Being an Eligibility Worker with the Department of Human Services Department is not an easy job. In that position Ms. Yamashiro has successfully dealt with irate, unreasonable, and sometimes abusive clients. She had not expected to have to also deal with this behavior from her supervisor. Some examples of this behavior by her supervisor toward Ms. Yamashiro are:

1. Berating her in the office waiting room in front of her clients for a work related issue dealing with another client.
2. Speaking to her in a loud manner, such that others in the office could clearly hear.
3. When Ms. Yamashiro's son died suddenly, and she requested needed additional time to deal with funeral preparations, her son's personal affairs and to grieve, she was told by her supervisor that she (the supervisor) was sorry for her loss but that she had a unit to run and there was work that had to be completed. She was talking about Ms. Yamashiro's caseload. The caseload was up to date and there was no work left around for other staff members. Her supervisor was talking in such a loud voice that Mr. Yamashiro could hear her shouting five feet away. As a result of her interaction Ms.

Yamashiro returned to work without taking the needed additional time, as she was afraid of what might happen if she didn't.

Perhaps this behavior is the result of the current climate at the Department or the stress put upon management to produce results without sufficient staffing. But it really doesn't matter. Good treatment of employees is an important part of any manager's job. No one should take out his/her stress frustrations on others in the workplace, especially those that they oversee. They should, instead, find a way to deal with it so that their physical and mental health is cared for and other employees are not adversely affected. The behavior by Ms. Yamashiro's supervisor toward her, whether it was caused by work stress or not, is a prime example of the type of behavior that this bill addresses.

Over the past few months I have had the opportunity to discuss with Ms. Yamashiro her problems with her supervisor and the resulting physical affects. The best term that comes to mind is 'brow beaten'. The normally upbeat and positive person that I have known is now fearful, unhappy, unhealthy and downright miserable; this, the result of what I view as inappropriate and abusive treatment by her supervisor.

As a retired administrator, who spent over 31 years with DHS, I fully support a law that prohibits this type of behavior by supervisors, managers, administrators, any other person in authority or co-workers. No one should be subjected to another person's inability to control their anger or frustrations, least of all an employee from their immediate supervisor.

Thank you for this opportunity to speak to this issue, which I feel is of the utmost importance. If you have any questions, please do not hesitate to contact me, either by phone at via e-mail at: atamsing@hawaii.rr.com

Aloha and Mahalo,

Ann G. (Angie) Tam Sing
865 Kahena St.
Honolulu, HI 96825

yamashita1-Kristen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 28, 2010 1:41 PM
To: LABtestimony
Cc: sruhi@msn.com
Subject: Testimony for HB2473 on 1/29/2010 9:30:00 AM

Testimony for LAB 1/29/2010 9:30:00 AM HB2473

Conference room: 309
Testifier position: support
Testifier will be present: No
Submitted by: Wesley Taira
Organization: Individual
Address: 92-504 Uhiuala Street Kapolei, Hawaii
Phone: 808-782-6885
E-mail: sruhi@msn.com
Submitted on: 1/28/2010

Comments:

I have avoided using names to protect the privacy rights of other parties involved.

Thank you for your kokua
in eliminating workplace
abuse in
our government.

Please support this State
of Hawaii Senate &
House bill to make
it UNLAWFUL for:

**PUBLIC GOVERNMENT
EMPLOYEES IN
MANAGEMENT, AND**

EMPLOYEES TO
INFLICT MENTAL AND
EMOTIONAL DISTRESS;
TO INTIMIDATE,
HARASS, BROWBEAT,
AND/
OR USE VERBAL ABUSE
UPON another employee

SIGNATURE

ADDRESS

PHONE

SIGNATURE	ADDRESS	PHONE
Carolyn	7269 Koki St.	497-6499
Lu'anda	5065 Lili'uokalani St	839-7901
Henry Sengke	326 Kamaekua St	395-2447
Mark Don	87133 PRINCESS KAHANA	289-1852
Deborah Laubkruza	200 Aiea St. #2504	265-5511
Sina Sison	1445 Kewalo Dr Honolulu 96822	853-3248
William Zank	2223 Alhambra	734-8396
Kayumi Jojima	3251 Kenekepa Pl	734-7521
Debra Tanaka	7269 Koki St	228-5894
Grace Mokuo	1755 Mahalo Ln	841-0232
B. Ito	P.O. Box 198 P.C.	881-1869
(C. Hirata)	P.O. Box 198 P.C.	71
Sharon Tanaka	1055 Kalo Pl Apt 601	804-3015
TRACY TANAKA	95-1025 ALIANA ST Mililani	780-2487
John Kawano	2223 Aiea Pl.	734-8396
Shirley	94-1445 OKUPU ST. WAIKANAHI HI	932-2718
Shirley	99-424 Uwan Dr. Kilauea HI 96701	351-3582
Shirley	99-424 Uwan Dr. Aiea HI 96701	351-4470
William Kamakahi	P.O. BOX 2781 ENAH HI 96700	348-7511
Shirley	509 Kekupua St Hon HI 96825	851-3350
Shirley	3242 KILIMANE R. Hon. HI 96816	382-9904
Shirley	3055B OAHU AVE Hon, HI 96822	988-8025
Shirley	3055B OAHU AVE. Hon, HI 96822	988-8025
Shirley	7531 Lailaha Pl. Hon, HI 96825	384-2001
Shirley	1212 GUFFEY ST. Hon HI 96826	275-1071
Shirley	4901-B Kalamander Hwy Hon, HI 96821	
Shirley	716 Paani St #1 Hon HI 96826	719-2552
Paula K. Kaneiwaikawa	P.O. BOX 30050 Hon 96820	370-1948
Shirley	1411 Laanialani Pl Hon HI 96821	373-9705
Shirley	584 Kamoku St Hon HI 96826	392-7111
Shirley	454 Lanika St 96812	533-2000
GREG PETERSON	91-223, NAMAHOA PL 96827	292-5617
Shirley	660 Kalamander Hwy HI 96825	221-1479
Shirley	504 Kuliouou' Road 96821	521-2992
Jody Tripp	94-202. Makulewa Ct 96789	845-2255
Yaona Lempert-Garcia	91-144 Kilani Ct. ENAH HI 96700	
Shirley	P.O. BOX 2781 ENAH HI 96700	
Shirley	1380 LUSITANA	96813
Shirley	1380 Lusitana	96812
Shirley	1380 Lusitana St. # 511	96813
Michael Kip	1890 Ala Mahanoe St Hon 96819	96819 91-5379

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PLEASE SUPPORT THIS STATE OF HAWAII SENATE & HOUSE BILL TO MAKE IT UNLAWFUL FOR:
PUBLIC GOVERNMENT EMPLOYEES IN MANAGEMENT, AND EMPLOYEES TO INFLICT MENTAL AND EMOTIONAL
DISTRESS; TO INTIMIDATE, HARASS, BROWBEAT, AND/OR USE VERBAL ABUSE UPON ANOTHER EMPLOYEE.

NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
#145 HI TSUTSUI	<i>Hidemichi Tsutsui</i>	681-0501	91-1646 OLEHANA ST. EWA
Nelson Tolentino	<i>Nelson Tolentino</i>	681-1154	91-1378 Kamahoi St.
Elorena Tolentino	<i>Elorena Tolentino</i>	681-1154	91-1378 Kamahoi St.
CHAYNTEL PARM-LOND	<i>Chayntel Parm-Lond</i>	347-1401	94-949 Farmington Hwy
Jeanne Pogi	<i>Jeanne Pogi</i>	681-3183	91-1389 Kamahoi St.
Cecilia Pogi	<i>Cecilia Pogi</i>	" "	" "
JAYNALYN VIENA	<i>Jaynalyn Viena</i>	232-3048	91-1056 Kaimalie St. #2NS EWA HI 96706
Chasity Pogi	<i>Chasity K.A. Pogi</i>	391-6717	91-1389 Kamahoi St. EWA HI 96706
YVONNE POGI	<i>Yvonne Pogi</i>	636-9667	91-1389 KAMAHOI ST EWA HI 96706
Ramona Pogi	<i>Ramona Pogi</i>	681-3183	91-1389 Kamahoi St. EWA HI 96706
Jason Pogi	<i>Jason Pogi</i>	681-3183	91-1389 Kamahoi St. EWA HI 96706
LYLIA CAPATI	<i>Lylia R. Capati</i>	681-3049	91-1390 KAMAHOI ST. EWA
HUONG POGI	<i>Huong Ku Pogi</i>	383-9115	91-1390 Kamahoi St. EWA BEACH HI
ERIC AGOSTIN	<i>Eric Agostin</i>	428-3994	91-1396 KAMAHOI ST. EWA BEACH, HI 96706
Brandon Hamada	<i>Brandon Hamada</i>	681-3429	91-1404 Kamahoi St. Ewa Beach, HI 96706
Dana Abe	<i>Dana Abe</i>	681-3241	91-1409 Kamahoi St. EWA BEACH HI 96706
Stacy Abe	<i>Stacy Abe</i>	"	"
Stacy Abe	<i>Stacy Abe</i>	"	"
Nelia Ann Nacim	<i>Nelia Ann Nacim</i>	783-7398	91-142 Kamahoi St. Honolulu HI 96706

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DISTRESS; TO INTIMIDATE, HARASS, BROWBEAT, AND/OR USE VERBAL ABUSE UPON ANOTHER EMPLOYEE.

NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Clarence Nishikawa	Clarence Nishikawa	671-1152 586-6970	94-465 Loop St Wahiawa, HI 96797
Bert Warashina	Bert S. Warashina	586-6970	State Capitol Bldg. Rm 213 Honolulu, HI 96815
Ryan Akanine	Ryan Akanine	(808)741-5961	1212 Nuuanu Ave #2910 Hon, HI 96817
Joanne Nakashima	Joanne Nakashima	808 639-0264	PO Box 965 Kalaea, HI. 96791
Angdon Lum	Angdon Lum	988-7808	3255 Alani Drive Honolulu HI 96822
Cindy Moniz	Cindy Moniz	696-7446	86-557 Halona Rd Waiawae 96792
RAYMOND RIVERA JR	Raymond Rivera J. (MAKA)	593-9398	1125 Young St, #505 Honolulu, HI 96814
Jensen Chang	Jensen Chang	277-3089	1462 Kihau St #22 Hon, HI 96814
Melani Sunda	Melani Sunda	393-6180	3412 Waiatae Ave. #103 Hon, HI 96816
Kammy Chang	Kammy Chang	179-5754	1462 Kihau St. # 22 Honolulu, HI 96814
Para KATHE	Para KATHE	224-0230	91-976 Moilani St. Ewa Beach, HI 96700
CHARLES E. LEHMANN	Charles E. Lehmann	239-8504	47-361 HUI KOLOA PL, KANEHOE, HI 96744
Paulette Tam	Paulette Tam		P O Box 4787 Kaneohe 96744
Joaquin M. Borja	Joaquin M. Borja	224-0696	98-1613 Hooua, Ke St. Pearl City 96782
Matthew D. Rellin	Matthew D. Rellin	387-3986	1570 Hooakua St Pearl City HI 96785
SUSAN M. SLAVISH	Susan M. Slavish	236-2480	477-079 Kamehameha Hwy 96744
Arley Nozawa	Arley Nozawa	214-0104	70 Box 679 Kaawa HI 96730
Joseph Nozawa	Joseph Nozawa	218-8131	70 Box 679 Kaawa HI 96730
Stephanie-tzumi Kawakami	Stephanie-tzumi Kawakami	345-1752	95-801 Kipapa Dr Mililani, HI 96789
Shawn Kawakami	Shawn Kawakami	382-9500	↓

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 DISTRESS; TO INTIMIDATE, HARASS, BROWBEAT, AND/OR USE VERBAL ABUSE UPON ANOTHER EMPLOYEE.

NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Natasha Sakai		685-4029	91-868 Wailewa Pl. Ewa, HI 96706
Trisha Petit			1222 Ekaha Ave #1 Honolulu, HI 96816
ROSE SCHAFF		716-228-8117 (call please) 908-678-0421	94-1455 WELINA Cp WAIPAHU, HI 96797
LAURA BLOOR		354-3503	2551 Kapiolani Honolulu, HI
NITA SAWYER		221-1747	PO BOX 700033 KAPOLEI, HI 96709-0033
Deborah Sebela		3922636	PO Box 11604 Honolulu, HI 96816
GERARD CRAVY		6887658	1340 KUKIUA ST Hon HI 96818
Ofelia Bodun		842-6783	Uhu Street Hon. Hawaii 96819
Stewart Neman		282-3379	PO Box 75245 Honolulu 96836
CARL Weiss		450-1291	1915
Michael Alford-Cline		489-8121	2009 Uhu St. Honolulu 96819
Michael Maldonado		714-883-9612	94-489 Akapala St Mililani 96789
CANTON KURASHIGE		258-8455	1006 HOONAIKA St. Hentia 96817
JAMMIE KURASHIGE		398-3535	1006 HOONAIKA St. Hentia 96817
JUDITH ANDERSON		282-8972	95-269 Weikalani Dr, MILILANI
M Tidwell			Kapiolani Blvd. 96826
RICHARD E. SCHAFF Jr.		678-0401	WAIPAHU, HI 96797
TRACY LAGER ANDERSON		430-0908	912210 E-1 old Ft Weaver Rd
KIRK BENEN		833-4713	1121 ALI NAPONANI ST #1802
FREDDIE KELLY		212-3584	1519 KAUMOLEI ST apt 119

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 DISTRESS; TO INTIMIDATE, HARASS, BROWBEAT, AND/OR USE VERBAL ABUSE UPON ANOTHER EMPLOYEE.

NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Editha Cabino	<i>Editha Cabino</i>	(808) 488-9766	99-845 Leialii St. Aiea, HI
AURORA TABIOS	<i>Aurora Tabios</i>	(808) 676-2760	94-1321 Kameka St. Waiyapu HI
Norman Montgomery	<i>Norman Montgomery</i>	(808) 489-1390	6255 Ebis Ave Ewa Beach 96706
Wayne Izumi	<i>Wayne Izumi</i>	(808) 389-6477	45-135 Koko Paha Pl 96784
Arnelus Ayala	<i>Arnelus Ayala</i>	(808) 349-4246	91-1197 Kameka St Ewa Beach
Brian McKeak	<i>Brian McKeak</i>	688-3815	87-125 Milikani St Waiyapu
Magdalena Abardo	<i>Magdalena Abardo</i>	744-4249	84-530 D2 Farrington Hwy 96792
SARA TUPUA	<i>Sara Tupua</i>	668-4267	87-218 Helewa St. 96792
MARI CARDINES	<i>Mari Cardines</i>	342-2772	941063 Kaaholo St Waiyapu 96797
GARY CROWEN	<i>Gary Crowen</i>	626-1996	95-1040 KUMAPPA ST MILILANI 96728
Duke Paou	<i>Duke Paou</i>	989-8672	PO. BOX 513 Mt. View HI
Wendell S. Kaina	<i>Wendell S. Kaina</i>	386-2154	753 Iaukea St. Moa HI 96711
Vianne V. Soliz	<i>Vianne V. Soliz</i>	953-7421	87-774 Farrington Hwy 96792
Richard Soliz	<i>Richard Soliz</i>	953-7615	87-774 Farrington Hwy 96792
Whitney Kawah	<i>Whitney Kawah</i>	808 8335453	1464 Ala He Kili Place 96819
Eward A Bertram	<i>Eward A Bertram</i>	808 688 3544	1617 S. BERETAWA AA #105 HON HI 96821
Duane Ige	<i>Duane Ige</i>	(808) 428-3379	99-036 #A Laulima St. Aiea, HI 967
FRANCIS IGE	<i>Francis Ige</i>	480-1851	" " "
Deanna Lee	<i>Deanna Lee</i>	341-3884	525A Kihawai Lane Hon 96817
Fatti Shinn	<i>Fatti Shinn</i>	487-2182	99-036 B Laulima St.

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Janice Balbas	Janice Balbas	368-8729	91-1411 Maliko St. Ewa Beach, HI 96706
JANE GONZALEZ	Jane Gonzalez	(808) 342-4257	91-1411 Maliko St. Ewa Beach HI 96706
JANE GONZALEZ	Jane Gonzalez	342-3012	91-1411 MALIKO ST. EWA BEACH
Elsa Gonzalez	Elsa Gonzalez	687-3700	91-1411 Maliko St.
Alberto Gonzalez	Alberto Gonzalez	687-3700	91-1411 Maliko St.
ALBANO JOCELYN	Jocelyn Albano	230-4116	91-1581 Maliko St 96706
ALBANO DOMINGO JR	Albano Domingo Jr	✓	✓
ALBANO JUSTIN	Justin Albano	✓	✓
ALBANO DONNA	Donna Albano	✓	✓
Eddrin Pelekai	Eddrin Pelekai	687 5380	911630 OLEHALA ST. 96706
Luzviminda Martinez	Luzviminda Martinez	699-2044	91-1640 Olehala St. 96706
Elmo F. Martinez	Elmo F. Martinez	699-2044	91-1640 Olehala St. 96706
MARCIE SWYZEN	M. Swyzen	744-2372	91-1219 Kuaia St. 96706
John R. Phiasiripanyo	John R. Phiasiripanyo	778-8307	91-1315 Kaileloa Dr 96706
LEONARDO CUEVA	Leonardo Cueva	681-3227	91-1711 BURKE ST. EWA BEACH HI 96706
KAI LARSEN	Kai Larsen	783-8667	2121 ATHERTON RD HON HI 96822
Eden Gamil	Eden Gamil	542-0662	91-132 Puhikani Pl. Ewa Beach 96706
JERRY RANDELLS	Jerry Randells	683-1979	91-203 KAUALO PL EWA BEACH
RALLY S. DECA RAMA	Rallye DeLa Rama	685-0289	91-1077 LELEO ST. EWA BEACH HI 96706
Derek Carvalho	Derek Carvalho	685-6138	91-551 Koihala Pl Ewa Beach 96706

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Yokoyama, Margaret		808 623 5441	95-1119 Lala St. Mililani 96789
Summer Matykez		808-204-0709	
Sarah Metoxen			92-7049 Elele St. Kapolei 96707
Myles C. Miyasato		488-8631	99-159 Iwaiwa Pl. Aiea 96701
JENNIFER BOHNER		4881988	94195 Kupuna Lp Waipahu 96797
VENICE D. COULBOURNE		488-1988	98-433 A Ewa Blvd. Rel. E.B. 96706
Milton M. Oshiro		588-1988	98-1426 AKAKA ST. Aiea, HI 96701
Louise Sato		488 1988	157710A Mahanui St. Han HI 96815
Marc K. Nakamura		488-988	2277 Halakau Dr. Han 96821
DEANNA CHUN		389-6137	92-980 Puanini St. 96707
Tafa Poai		723-1950	348 Puuhale Rd PMBAS Han HI 96814
Awi Poai		723-1950	348 Puuhale Rd
Jordan Marinelli		594-8752	492 Hibiscus St.
GIULIANI REOLA		218-0851	1510 DOMINIS Han HI 96822
Larry McCutcheon		286-5041	2002 Fern ST APT A Honolulu
Theresa McCutcheon		286-4679	2002 Fern St Apt A Honolulu 96826
TARYN BASS			94-1147 Mopua Lp Waipahu HI
Neel Khandel		808-377-9670	
MARK NISHIDA		330/826	1211 Kamalei St #1 96814
TOM MERRILL		271-4000	

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
TERE ARMODIA	<i>Tere Armodia</i>	433-0580	98-482 PONO ST. AIEA 96701
Brian Lucciani	<i>Brian Lucciani</i>	554-6969	74834 HOLEKALE AVE 96792
Marcello Armodia	<i>Marcello Armodia</i>	428-0125	98-482 PONO ST. AIEA HI 96701
Grace Heleski	<i>Grace Heleski</i>	626-1846	74-1019 Halekale St. 96789
Barbara Awan	<i>Barbara Awan</i>	383-8567	86360* C Helona Rd. Waikeolu 96792
LORNA SOUZA	<i>Lorna Souza</i>	293701	94-385 ANA LAKE WAIKALU 96797
Florie Channer	<i>Florie Channer</i>	423-1734	3530 Puaka Makai Dr. 96792
Naleisha Malaki	<i>Naleisha Malaki</i>	294-4163	891143 Nanihahihi Pl. Waikeolu 96792
Michelle H Kealhana	<i>Michelle H Kealhana</i>	852-1180	41-218 Kauhuananaka Pl 96795
VALERIE C-ARRIAGA	<i>Valerie C-ARRIAGA</i>	216-2074	87-211 KULAAUPUNI ST. WAIANAE 96792
Raymond Mamea	<i>Raymond Mamea</i>	348-8765	298 Wilikina Dr #113 Waikeolu 96792
Luke Walden	<i>Luke Walden</i>	896-1691	64 Chic St
Deni Wenee	<i>Deni Wenee</i>	707-0961	Waianae, HI 96792
Carolyn Araki	<i>Carolyn Araki</i>	457-0097	94-780 Lumianau St HHI 96797
Pat Vierns	<i>Pat Vierns</i>	392-8239	1786 Palomai St 96782
Kris Baenon	<i>Kris Baenon</i>	232-4789	45-328 William H. JANETTE 96792
Malia Infiel	<i>Malia Infiel</i>	428-0202	386 N. Vineyard Blvd #13-15
Max Infiel	<i>Max Infiel</i>	428-3222	Same Pl
MAXINE INFIEL	<i>Maxine Infiel</i>	550-4179	1309 Queen Emma St. 2-C, Waikeolu 96792
Edward (David)	<i>Edward (David)</i>	880-2465	1210 Kamale Pl. #203 Waikeolu 96792

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Aloe Aimalofa		306-6462	94-857 Awaonei St
SOAFA LAPOA		804-2975	94-1023 KAHOLE ST WAIPAHU HI
DAVID M. [unclear]	[unclear]	554-9405	629 N. KUHARAU ST HON. HI 96819
Pandy Jalgaon		630-3266	91-1526 Palika St Ewa
HARVEY HAWKINS		677-7517	94-377 HAWAII ST. WAIPAHU HI
Justin Gray		723-2775	4060 D Pongaiwi Rd
Loni Tamara		678-8033	94-352 Pupunani Pl HI
Alfred P. Vitale		636-8653	199 Dupuy Pl unit 101 Honolulu HI 96761
Abraham Nahulu III		497-1202	94-1008 HABA KALA AVE. WAIPAHU HI 96791
SARILELE TULAPALE		684-4165	94-911 - ST AWANEI.
Faafahia Sula		487-7102	Aiea HI 96701
Tauane Vili		330-8684	94-377 HAWAII ST WAIPAHU HI
Tom Wilson		862-1152	94-422 KOLE ST. WAIPAHU HI
STEVE TOITU.		728-2256	94-384 PUPUKALI ST
ED JACOBSON		450-4947	94-354 PUPUNANI ST #101 WAIPAHU HI 96791
FALE FAATILI		450-4032	94-457 OPEHA ST. HON. HI 96197
Taleni Bala		294 1428	87-208 HOLEPOPO ST HI 96725
GILBERT B. DELA CRUZ		486-2494	98-1089 B Komo Mai Dr. Aiea HI 96706
Amy L Dela Cruz		486-2484	98-1089 B Komo Mai Dr. Aiea HI 96706
ABEVAHI TAMARU		861-3091	133 LAKEVIEW CIRCLE WAIPAHU HI 96791

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
PARKER ROGERS		349-4418	3773 Kunaia Ave, Apt 308 Honolulu #1 96815
Narcieza Domingo		887-6302	94-099 Manawa Pl. Waipahu 96797
Akil Ewing		407-9798	99-1622 Puliki Place
Sanna Clay		386-2850	1031 Muiamua Ave #706 Honolulu #1 96817
DONALD McPECK		284-4559	226 Kalala St Honolulu #1 96824
Randy Mark		795-5154	4221 Kono St Honolulu 96816
Adney Atabay		371-8037	94-535 Polim Pl. 96797
Rita Da Costa		561-3438	91-1190 Kaniki St. 96706
Yesland Tamapua		861-4959	91-1030 Akolo St. 96707
Jamie Yokoyama		753-4763	45-368 Halenani Pl 96744
Genijir Nakamura		551-5014	41-1650 Hamana Ln Waimanalo 96795
Rudy Payaduan		761-7092	536 Uluna St Kula 96734
Renee Guillermo		295 5407	99844 Kealahoua Dr 96701
Nathan Guillermo		295 5408	99844 Kealahoua Dr 96701
DAVID TIPTON		955-9333	3607 TROUSSEAU ST 96815
CINDY TIPTON		"	"
misty Mathews		852 2076	87774 Farrington Hwy
Veronica Marquez		391-5417	87-774 Farrington Hwy
Mary Ortiz		"	P.O. Box 901245 Waipahu 967
John Wood		224-6941	92-743 Pacific

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Shariemar Taea		808-4175	91-1119 Ahona St. Ewa Beach 96706
Laura MacLure		353-3511	4-1015 Pukou St. 96795
KEAHI Medeiros		808-433-5287	92-680 Kono St. Kapolei
Tui Pihali		554-1972	94-777 Hana St. Wahiawa
SAGO Tai Jr		694-0594	94-352 Pukou St.
Jack Ioane		699-6087	91-652 Kila St.
Casper R. Seinafo		383-9070	4985C Ewala Way, Ewa Beach, HI
L.J. Palencia		676-8633	94-246 E-501 Pukou St.
M. Pailish		689-6007	3080 Mahe
Kaiser Mattos		896-4976	1232 Kiana St Apt. 4
Demore Joe H		896-4558	1232 Kiana St Apt. 4.
Uaina Valeri		671-1375	94-352 Pukou St Wahiawa HI
Al Kiong H		225-4589	94-377 Mahe St
Jeremil Spencer		667-9041	79-1064 Pohakupalea St.
Bennielea Spencer		668-9041	891064 Pohakupalea St.
Adam Vitale		199 Dupuy	98706 Waiawa
Laurin Palencia		284-2883	94-246 Leeka St Wahiawa HI 96797
Kalana, Barbara		4800	86-347 Kaula Puni St 96792
Siu, Edmaria		300-3183	87-1532 Helani St.
Leleo, Kauli		620-3669	P.O. Box 1454

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Kaionalani Luning		881-0050	P.O. Box 1407 Kapana HI 96755
Lawrence Sanchez		808-255-5266	91-733 Makule Rd. #D Ewa Beach 96761
Jessica Sanchez Luning		808-780-7744	" " " " " " " "
Charline Blair		808 220-6881	95-1366 Koahehe Pl. 201 Pe. 96752
Jane Kikazu		808 457 0985	92-1502 Ahihihi Dr. #3 Kapolei
MARY T. ROBERTS		(808) 672-7717	92-771 Malakalo DR MT #6 Kapolei HI 96707
Scott CHANG		808-693-8989	91-184 KIKIAO ST KAPOLEI, HI 96707
Ki wan Pau		808 523-8932	30N. Kukui St #2407 Han. HI 96815
Dulva Pisch		690-0590	Nokle Ln. Honolulu 96817
Eunice Scott		808-689-3163	91-2012 Kai'oli St #1602 Ewa Beach HI
Chunsa Bakewell		808 483-6438	2114 Aulaniuli St Ewa Beach 96761
Cynthia Alakai	CYNTHIA ALAKAI	810-4730	91-570 KULIOLA PL 96706
Amelia Dunn		808-349-5333	91-350 Kaula Way Ewa Beach HI
Timothy Hurd		808-354-8335	91-350 Kaula Way Ewa Beach HI
FREDA ABIVA		808-953-9299	94-266 Neovahine St. #6D Waipua
Joslyn Tabios		808 672 3135	90313 Akawa St. Kapolei 96707
KRISTINA PAULÉ		685-1099	91-813 Laupai Place
Anthony Colazo		330-4044	1223 HALA DR Han. HI 96817
Glean Pauole		685-1099	9183 Laupai Pl Ewa Beach 96761
LITANI COLAZO		800-783-5833	1223 Hala Dr Han HI 96817

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
ADRIENNE FORCES		7810977	94-135 POOLAWAY WAIKAPUANA HI 96797
Shuao Li Lung	Shuao Li Lung	864-3794	310 N. Kane St #8A Wahiawa
Sydney Vinaya		847-7373	94594 KUPUOHU ST. apt #24A Waiipahu 96797
Alexander Cillaz	Alexander Cillaz	699-9928	2240 WILSON ST HON. HI
Flora Jasmin	Flora Jasmin	949-1962	1519 KAHUMALII ST. HON. HI 96917
Dolly Carmona		677-9474	94-703 Kalae St. Waip 96797
Alan D. Avillanoza	Alan D. Avillanoza	664-6162	P.O. Box 16305 Honolulu, HI 96816
Hiram Tamayo		664-6162	2825 S. King St #1601
Alan Jasmin		479-6264	91-1769 LAMO ST. EWA BEACH, HI 96706
Rose Ortiz	Rose F. Ortiz	487-5854	98-1749 HAPAKI ST. Aiea HI 96701
ERIC HUED	Eric Hued	349-5405	91-350 Kaula Way Ewa Beach HI 96706
Susan Chang		255-7838	91-365 ALENA BEACH RD HI 96706
KENNETH ORTIZ	Kenneth Ortiz	487-5854	98-1749 HAPAKI ST AIEA HI 96701
Denise Larsen	Denise Larsen	781-3997	1082 Bishop St. #1611, Hon, HI 96813
Matthew B. Cabana	Matthew B. Cabana	611-9371	94-733 Kalae St. Waiipahu, HI 96797
DIANE KIM		206-6390	2462 KUHIO AVE #804 EWA BEACH HI
Joyce Lynn		368-8986	P.O. Box 801 261 Wahiawa
Benjamin Jasmin		8481962	1519 KAHUMALII ST. 118
Leona Ayala	Leona Ayala	732-1590	1844 10th AVE. Hon. HI 96816
Tymia Jasmin	Tymia Jasmin	687-9988	91-1769 LAMO ST. EWA 96706

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NAME [PRINT]	SIGNATURE	PHONE #	ADDRESS
Eddie Shitabata			60 W Beretania St
Yuu Shitabata		528-2325	60 W Beretania St
LARRY YEOPONG		714-4501	WAIANA E HI 96792
Larabell Kalamu		678-9170	Waipahu, HI 96792
Ellaveen Yeopong		772-4501	Waianae, HI 96792
RENATO CASUPANG		678-0629	WAIANA E HI 96792
RICHARD MALOU		478-8262	WAIANA E HI 96792
Gracy Ann Malaki		673-6352	Waianae, HI 96792
Leilani Nagau		783-4889	89-844 Hahakala Ave. Waianae 96792
Patricia Sofa		381-4183	85210 Alakama St 96792
ALVINA AWONG		621-2752 591-4966	Waianae HI 96792
Ashley Ajani		646-6352	87941 Hahakala St Waianae HI 96792
Joseph Roache		294-0626	1889 Kukuine Lp Honolulu HI 96817
Louella Vidinha		722-5669	94-667 Kaaka St. Waipahu, HI 96797
ALLEN OSBORN		256-4264	3320 HERBERT ST. HONOLULU HI 96815
Ted Shimabukuro			
Rick Shimabukuro			
Darren Albano			
Edwin Carag		621-2752	
LUZ VEA		288-1937	9587 Hoomaopu St PC 96751



**Testimony to the House Committee on Labor & Public Employment
Friday, January 29, 2010; 9:30 a.m.
Conference Room 309**

RE: HOUSE BILL NO. 2473 RELATING TO WORKPLACE PRACTICES

Chair Rhoads, Vice Chair Yamashita and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's opposition to House Bill No. 2473, relating to Workplace Practices.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure makes abusive conduct against an employee in the workplace a violation of occupational safety and health law.

Although the Chamber understands the intent of the bill, the Chamber believes that employers already place an emphasis on what they can do for their employees to create a positive work environment. Many employers are constantly seeking ways to provide benefits and security to retain employees, including the prevention and intolerance of an abusive work environment.

As a result, this bill interferes with a business' ability to operate. If this bill passes, employers will have to take significant additional precautions to ensure that their employment practices are not considered to be "mistreatment", as the term is defined too broadly. Furthermore, they will be exposed to personal liability if they "mistreat" employees, and to additional liability for aiding and abetting or participating in any action or decision which causes emotional distress to an employee.

Additionally, the measure provides legal recourse to employees that suffer harm from an abusive work environment. However, existing federal and state laws already provide remedies to employees who have been harmed in the workplace, such as workers' compensation laws and discriminatory employment practices under § 378, Hawaii Revised Statutes.

In light of the above, the Chamber respectfully requests that the measure be held. Thank you for the opportunity to testify.