



# HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 3, 2012  
9:10 am  
Conference room 309

To: The Honorable Karl Rhoads, Chair  
and Members of the House Committee on Labor and Public Employment

The Honorable John Mizuno, Chair  
and Members of the House Committee on Human Services

From: Livia Wang, Acting Chief Counsel  
Bill Hoshijo, Executive Director

Re: H.B. No. 2283

The Hawai'i Civil Rights Commission (HCRC) staff submits this memorandum to inform the Committees that the HCRC has not yet taken a position on H.B. No. 2283 because the HCRC Commissioners have not had the opportunity to review this bill. A Commission meeting to review bills is scheduled for this afternoon, at which time the Commissioners will take a position on this and other bills. While the HCRC does not have a position on H.B. 2283 at this time, we offer the following comments and information on the proposed legislation.

H.B. No. 2283 purportedly amends various sections of H.R.S. Chapter 378 to prohibit employment discrimination on the basis of victim of domestic violence status. However, such protections were already added to H.R.S. Chapter 378 last year under Act

206, and H.B. 2283 does not accurately reflect the current law. (Please see copy of Act 206, L. 2011, attached.)

As amended by Act 206, H.R.S. § 378-1 currently includes this definition of "domestic or sexual violence victim":

"Domestic or sexual violence victim" or "victim" means an individual who is the victim of domestic or sexual violence as defined in section 378-71.

Per H.R.S. § 378-71, "domestic or sexual violence" means domestic abuse, sexual assault, or stalking.

As amended by Act 206, H.R.S. § 378-2(a)(1) and (b) currently protect against employment discrimination based on domestic or sexual violence victim status:

§378-2 Discriminatory practices made unlawful; offenses defined. (a) It shall be an unlawful discriminatory practice:

(1) Because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or domestic or sexual violence victim status if the domestic or sexual violence victim provides notice to the victim's employer of such status or the employer has actual knowledge of such status:

\* \* \* \* \*

(b) For purposes of subsection (a)(1):

(1) An employer may verify that an employee is a victim of domestic or sexual violence by requesting that the employee provide:

(A) A signed written statement from a person listed below from whom the employee or the employee's minor child has sought assistance in relation to the domestic or sexual violence:

(i) An employee, agent, or volunteer of a victim services organization;

(ii) The employee's attorney or advocate;

(iii) The attorney or advocate of the employee's minor child;

(iv) A medical or other health care professional; or

(v) A member of the clergy; or

(B) A police or court record supporting the occurrence of the domestic or sexual violence; and

(2) An employer may verify an employee's status as a domestic or sexual violence victim not more than once every six months following the date the employer:

(A) Was provided notice by the employer of the employee's status as a domestic or sexual violence victim;

(B) Has actual knowledge of the employee's status as a domestic or sexual violence victim; or

(C) Received verification that the employee is a domestic or sexual violence victim;

provided that where the employee provides verification in the form of a protective order related to the domestic or sexual violence with an expiration date, the employer may not request any further form of verification of the employee's status as a domestic or sexual violence victim until the date of the expiration or any extensions of the protective order, whichever is later. [L 1981, c 94, pt of §2; am L 1985, c 177, §1; am L 1986, c 223, §3; am L 1991, c 2, §3; am L 1992, c 33, §5; am L 1994, c 88, §1; am L 1999, c 172, §3; am L Sp 2009, c 1, §2; am L 2011, c 34, §4 and c 206, §2]

The intent and purpose of H.B. No. 2283 is unclear, because the Ramseyer formatting does not indicate whether there is intent to delete the current statutory definition and protection found in H.R.S. §§ 378-1 and 378-2(a)(1) and (b), and replace it with a new narrower definition and protection.

The HCRC takes its role and authority to testify and make recommendation to the Legislature very seriously, and will do everything possible to assist you in your consideration of bills that affect the HCRC's jurisdiction and civil rights. We hope the temporary constraints we face will not cause inconvenience or difficulty for your committees. Please let us know if we can provide any background information or answer any questions. Thank you for your understanding and patience.



**GOV. MSG. NO. 1310**

**EXECUTIVE CHAMBERS  
HONOLULU**

**NEIL ABERCROMBIE  
GOVERNOR**

**July 8, 2011**

**The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813**

**The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813**

**Dear President Tsutsui, Speaker Say and Members of the Legislature:**

**This is to inform you that on July 8, 2011, the following bill was signed into law:**

**SB229 SD1 HD2 CD1**

**RELATING TO EMPLOYMENT RELATIONS.  
Act 206 (11)**

A handwritten signature in black ink, appearing to read "Neil Abercrombie".

**NEIL ABERCROMBIE  
Governor, State of Hawaii**

Approved by the Governor  
on JUL 8 2011

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

ACT 206  
S.B. NO. 229  
S.D. 1  
H.D. 2  
C.D. 1

## A BILL FOR AN ACT

RELATING TO EMPLOYMENT RELATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 378-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Domestic or sexual violence victim" or "victim" means an  
5 individual who is the victim of domestic or sexual violence as  
6 defined in section 378-71."

7 SECTION 2. Section 378-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§378-2 Discriminatory practices made unlawful; offenses  
10 defined. (a) It shall be an unlawful discriminatory practice:

11 (1) Because of race, sex, sexual orientation, age,  
12 religion, color, ancestry, disability, marital status,  
13 ~~[ex]~~ arrest and court record~~[+]~~, or domestic or sexual  
14 violence victim status if the domestic or sexual  
15 violence victim provides notice to the victim's  
16 employer of such status or the employer has actual  
17 knowledge of such status:



- 1 (A) For any employer to refuse to hire or employ or  
2 to bar or discharge from employment, or otherwise  
3 to discriminate against any individual in  
4 compensation or in the terms, conditions, or  
5 privileges of employment;
- 6 (B) For any employment agency to fail or refuse to  
7 refer for employment, or to classify or otherwise  
8 to discriminate against, any individual;
- 9 (C) For any employer or employment agency to print,  
10 circulate, or cause to be printed or circulated  
11 any statement, advertisement, or publication or  
12 to use any form of application for employment or  
13 to make any inquiry in connection with  
14 prospective employment, which expresses, directly  
15 or indirectly, any limitation, specification, or  
16 discrimination;
- 17 (D) For any labor organization to exclude or expel  
18 from its membership any individual or to  
19 discriminate in any way against any of its  
20 members, employer, or employees; or
- 21 (E) For any employer or labor organization to refuse  
22 to enter into an apprenticeship agreement as



- 1 defined in section 372-2; provided that no  
2 apprentice shall be younger than sixteen years of  
3 age;
- 4 (2) For any employer, labor organization, or employment  
5 agency to discharge, expel, or otherwise discriminate  
6 against any individual because the individual has  
7 opposed any practice forbidden by this part or has  
8 filed a complaint, testified, or assisted in any  
9 proceeding respecting the discriminatory practices  
10 prohibited under this part;
- 11 (3) For any person, whether an employer, employee, or not,  
12 to aid, abet, incite, compel, or coerce the doing of  
13 any of the discriminatory practices forbidden by this  
14 part, or to attempt to do so;
- 15 (4) For any employer to violate the provisions of section  
16 121-43 relating to nonforfeiture for absence by  
17 members of the national guard;
- 18 (5) For any employer to refuse to hire or employ or to bar  
19 or discharge from employment [-] any individual because  
20 of assignment of income for the purpose of satisfying  
21 the individual's child support obligations as provided  
22 for under section 571-52;



- 1           (6) For any employer, labor organization, or employment  
2           agency to exclude or otherwise deny equal jobs or  
3           benefits to a qualified individual because of the  
4           known disability of an individual with whom the  
5           qualified individual is known to have a relationship  
6           or association;
- 7           (7) For any employer or labor organization to refuse to  
8           hire or employ or to bar or discharge from employment,  
9           or withhold pay, demote, or penalize a lactating  
10          employee because ~~an~~ the employee breastfeeds or  
11          expresses milk at the workplace. For purposes of this  
12          paragraph, the term "breastfeeds" means the feeding of  
13          a child directly from the breast; or
- 14          (8) For any employer to refuse to hire or employ or to bar  
15          or discharge from employment, or otherwise to  
16          discriminate against any individual in compensation or  
17          in the terms, conditions, or privileges of employment  
18          of any individual because of the individual's credit  
19          history or credit report, unless the information in  
20          the individual's credit history or credit report  
21          directly relates to a bona fide occupational  
22          qualification under section 378-3(2).





- 1        (b) For purposes of subsection (a) (1):
- 2        (1) An employer may verify that an employee is a victim of
- 3        domestic or sexual violence by requesting that the
- 4        employee provide:
- 5        (A) A signed written statement from a person listed
- 6        below from whom the employee or the employee's
- 7        minor child has sought assistance in relation to
- 8        the domestic or sexual violence:
- 9            (i) An employee, agent, or volunteer of a victim
- 10           services organization;
- 11           (ii) The employee's attorney or advocate;
- 12           (iii) The attorney or advocate of the employee's
- 13           minor child;
- 14           (iv) A medical or other health care professional;
- 15           or
- 16           (v) A member of the clergy; or
- 17        (B) A police or court record supporting the
- 18        occurrence of the domestic or sexual violence;
- 19        and
- 20        (2) An employer may verify an employee's status as a
- 21        domestic or sexual violence victim not more than once
- 22        every six months following the date the employer:



- 1           (A) Was provided notice by the employee of the
- 2           employee's status as a domestic or sexual
- 3           violence victim;
- 4           (B) Has actual knowledge of the employee's status as
- 5           a domestic or sexual violence victim; or
- 6           (C) Received verification that the employee is a
- 7           domestic or sexual violence victim;
- 8           provided that where the employee provides verification
- 9           in the form of a protective order related to the
- 10          domestic or sexual violence with an expiration date,
- 11          the employer may not request any further form of
- 12          verification of the employee's status as a domestic or
- 13          sexual violence victim until the date of the
- 14          expiration or any extensions of the protective order,
- 15          whichever is later."

16          SECTION 3. Chapter 378, Hawaii Revised Statutes, is  
 17 amended as follows:

- 18          1. By amending the title of part VI to read:
- 19                 "~~[ ]~~PART VI. ~~[ ]~~ VICTIMS ~~[ ]~~ PROTECTIONS"
- 20          2. By designating section 378-71, as a new subpart and
- 21 inserting a title before section 378-71 to read:
- 22                 "GENERAL PROVISIONS"



1 3. By designating sections 378-72 to 378-74 as a new  
2 subpart and inserting a title before section 378-72 to read:

3 " VICTIMS LEAVE"

4 4. Adding a new subpart to read as follows:

5 " REASONABLE ACCOMMODATIONS IN THE WORKPLACE

6 §378- Reasonable accommodations. An employer shall make  
7 reasonable accommodations in the workplace for an employee who  
8 is a victim of domestic or sexual violence, including:

9 (1) Changing the contact information, such as telephone  
10 numbers, fax numbers, or electronic-mail addresses, of  
11 the employee;

12 (2) Screening the telephone calls of the employee;

13 (3) Restructuring the job functions of the employee;

14 (4) Changing the work location of the employee;

15 (5) Installing locks and other security devices; and

16 (6) Allowing the employee to work flexible hours;

17 provided that an employer shall not be required to make the  
18 reasonable accommodations if they cause undue hardship on the  
19 work operations of the employer.

20 (b) Prior to making the reasonable accommodations under  
21 this section, an employer may verify that an employee is a



1 victim of domestic or sexual violence as provided in section  
2 378-2(b).

3 (c) As used in this section, "undue hardship" means an  
4 action requiring significant difficulty or expense on the  
5 operation of an employer, when considered in light of the  
6 following factors:

7 (1) The nature and cost of the reasonable accommodation  
8 needed under this section;

9 (2) The overall financial resources of the employer; the  
10 number of employees of the employer; and the number,  
11 type, and placement of the work locations of an  
12 employer; and

13 (3) The type of operation of the employer, including the  
14 composition, structure, and functions of the workforce  
15 of the employer, the geographic separateness of the  
16 victim's work location from the employer, and the  
17 administrative or fiscal relationship of the work  
18 location to the employer.

19 §378- Civil actions. Any employee denied reasonable  
20 accommodations by an employer in violation of this subpart may  
21 file a civil action against the employer to enforce this subpart

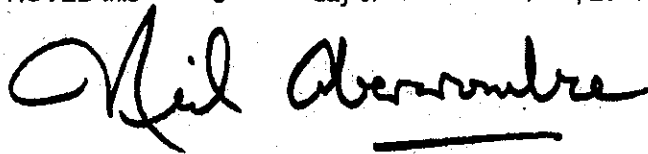


1 and recover costs, including reasonable attorney's fees,  
2 incurred in the civil action."

3 SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2012.

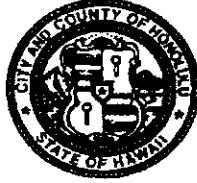
APPROVED this 8 day of JUL, 2011



GOVERNOR OF THE STATE OF HAWAII

DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**  
850 SOUTH KING STREET 10<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

PETER B. CARLISLE  
MAYOR



NOEL T. ONO  
DIRECTOR  
ROBIN CHUN-CARMICHAEL  
ASSISTANT DIRECTOR

February 3, 2012

The Honorable Karl Rhoads, Chair  
and Members of the Committee on  
Labor & Public Employment  
The Honorable John M. Mizuno, Chair  
and Members of the Committee on  
Human Services  
The House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Rhoads, Chair Mizuno and Members:

Subject: House Bill No. 2283  
Relating to Domestic Violence

The City and County of Honolulu supports efforts to ensure appropriate protection from employment discrimination. We, however, are unable to support HB 2283, in its current form, for the following reasons:

1. The proposed change to HRS 378 – 1 adding a new definition of "Victim of domestic violence", as written, appears to assign "victim status" simply by the act of consulting with a counselor rather than as the result of actually being a victim of domestic violence.
2. HRS 378-2 (a) (1) currently includes employment discrimination protection because of an individual's **domestic or sexual violence victim status**. HB 2283 is unnecessary and redundant as it does not appear to recognize that domestic violence victim status already is included in the employment discrimination protections provided by HRS 378.
  - o Currently HRS 378-1 defines a "[d]omestic or sexual violence victim" or "victim" as an individual who is the victim of domestic or sexual violence as defined in section 378-71. At HRS 378-71 the following are defined:

The Honorable Karl Rhoads, Chair  
and Members of the Committee on  
Labor & Public Employment  
The Honorable John M. Mizuno, Chair  
and Members of the Committee on  
Human Services  
The House of Representatives  
Page 2  
February 3, 2012

- "Domestic abuse" means conduct defined in section 586-1.
  - "Domestic or sexual violence" means domestic abuse, sexual assault, or stalking.
  - "Sexual assault" means any conduct proscribed by chapter 707, part V.
  - "Stalking" means engaging in a course of conduct directed at a specifically targeted person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person or to the person's spouse, parent, child, or any other person who regularly resides in the person's household, and where the conduct does cause the targeted person to have such distress or fear.
3. If the intent of HB 2283 is to add "counselors" to the list of those from whom victim status may be verified we believe that it is unnecessary.

HRS 378-2 (b) (1) (A) (i) and HRS 378-2 (b) (1) (A) (iv) currently provide that victim of domestic or sexual violence verification may be submitted via a signed written statement from "[a]n employee, agent, or volunteers of a victim services organization..." or "[a] medical or other health care professional..." Certainly appropriate counseling professionals would be among those included in the existing language of HRS 378-2 (b) (1) (A).

If not and it is intended that verification from "counselors" are to be included, we would ask that this category of individual be clearly defined as to professional certification or affiliation rather than simply job title.

We appreciate the opportunity to provide testimony in the matter of HC 2283. Should you require additional information or input to this testimony, please have a member of your staff contact Denise Tsukayama, Equal Opportunity Officer, at 768-8505 or [dtsukayama@honolulu.gov](mailto:dtsukayama@honolulu.gov).

Yours truly,



Noel T. Ono  
Director

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
ADRIENNE KING  
CARMILLE LIM  
AMY MONK  
LISA ELLEN SMITH  
CAROL ANNE PHILIPS

Executive Director  
Catherine Betts, Esq.

Email:  
DHS.HSCSW@hawaii.gov  
Web:  
www.hawaii.gov/dhs/women/  
HSCSW

235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

February 1, 2012

**Testimony in Opposition to HB 2283, Relating to Domestic Violence**

**To:** Representative Karl Rhoads, Chair  
Representative Kyle T. Yamashita, Vice Chair  
Members of the House Committee on Labor and Public Employment

Representative John M. Mizuno, Chair  
Representative Jo Jordan, Vice Chair  
Members of the House Committee on Human Services

**From:** Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in Opposition to HB 2283, Relating to Domestic Violence

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on such an important issue. I would like to express my opposition to HB 2283, which would drastically change the definition of "victim of domestic violence" as it currently is defined.

HB 2283 would amend HRS § 378-1 to include domestic violence victims and in doing so, it would further define a domestic violence victim as "... a person who consults a counselor for assistance in overcoming any adverse emotional psychological effect resulting from physical harm, bodily injury, assault, extreme psychological abuse or malicious property damage, or the threat of imminent physical harm, bodily injury, or assault by a family or household member."

This definition is extremely narrow and limits protection to only those individuals who consult a counselor. Many victims do not seek assistance from a counselor, but are, nonetheless, still victims of abuse. Further, Act 206, which became effective on January 1, 2012, already contains provisions for the protection of victims from employment discrimination. HB 2283 would seriously undermine this current law. The Commission respectfully urges both Committees to not pass HB 2283.

Thank you for this opportunity to testify.

Catherine Betts, Esq.  
Executive Director, Hawaii State Commission on the Status of Women



# hscadv HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Karl Rhoads, Chair  
The Honorable Yamashita, Vice-Chair  
HOUSE COMMITTEE ON LABOR & PUBLIC  
EMPLOYMENT

The Honorable John Mizuno, Chair  
The Honorable Jo Jordan, Vice-Chair  
HOUSE COMMITTEE ON HUMAN SERVICES

From: Veronika Geronimo, Executive Director  
Hawaii State Coalition Against Domestic Violence

RE: HB2283 - OPPOSE

Hearing Date and Time: Friday, February 3, 2012 @ 9:10am

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Good morning Chair Rhoads, Chair Mizuno, Vice-Chair Yamashita, Vice-Chair Jordan, and members of House Committee on Labor & Public Employment, and Human Services. The Hawai'i State Coalition Against Domestic Violence respectfully submits the following testimony in opposition to HB2283. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HB2283 would amend Section 378-1, Hawaii Revised Statutes, to include domestic violence victims. The definition offered in HB2283 however, is a new, narrower definition of "domestic or sexual violence victim" than current law. Act 206, which went into effect January 1, 2012, has a broader, more inclusive definition of domestic and sexual violence victim.

*As defined by HB2283 "Victim of domestic violence" means a person who consults a counselor for assistance in overcoming any adverse emotional or psychological effect resulting from physical harm, bodily injury, assault, extreme psychological abuse, or malicious property damage, or the threat of imminent physical harm, bodily injury, or assault caused by a family or household member."*

Survivors' safety may not always involve a counselor, nor will survivors seek out counselors, solely, to assist them. Furthermore, there has been a strong public and private partnership between the Hawaii Civil Rights Commission and domestic violence advocates in providing outreach on Act 206 and the employment protections offered to survivors. Limiting the definition of domestic violence victim to what is proposed in

HB2283 would not only undermine the gains made in Act 206, but confuse the public as to who is covered under the law.

We urge you to keep the employment protections for domestic violence providers in tact by not passing HB2283. Thank you for your consideration.

**yamashita2 ----Aulii**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 4:22 PM  
**To:** LABtestimony  
**Cc:** annfreed@hotmail.com  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM  
**Attachments:** Testimony DV narrowing HB2283

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ann S Freed  
Organization: Hawaii Women's Coalition  
E-mail: [annfreed@hotmail.com](mailto:annfreed@hotmail.com)  
Submitted on: 2/2/2012

**Comments:**

ATTN: HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT The Honorable Karl Rhoads, Chair The Honorable Yamashita, Vice-Chair

HOUSE COMMITTEE ON HUMAN SERVICES  
The Honorable John Mizuno, Chair  
The Honorable Jo Jordan, Vice-Chair

HEARING DATE: February 3, 2012  
HEARING TIME: 9:10 a.m.

Testimony in Opposition to HB 2283, RELATING TO DOMESTIC VIOLENCE. Prohibits employment discrimination on the basis of victim of domestic violence status.

Dear Chair Rhoads, Chair Mizuno and committee members,

This bill on the surface looks like such a good thing for women but, the Coalition is opposed to this bill, on the following grounds.

This bill amends the definition in HRS to a new, narrower definition of "domestic or sexual violence victim." Act 206, which went into effect January 1, 2012, has a broader, more inclusive definition of domestic and sexual violence victim.

As defined by HB2283 "Victim of domestic violence" means a person who consults a counselor for assistance in overcoming any adverse emotional or psychological effect resulting from physical harm, bodily injury, assault, extreme psychological abuse, or malicious property damage, or the threat of imminent physical harm, bodily injury, or assault caused by a family or household member.

Survivors' safety may not always involve a counselor, nor will survivors seek out counselors, solely, to assist them. Furthermore, there has been a strong public and private partnership between the Hawaii Civil Rights Commission and domestic violence advocates in providing outreach on Act 206 and the employment protections offered to survivors. Limiting the definition of domestic violence victim to what is proposed in HB2283 would not only undermine the gains made in Act 206, but confuse the public as to who is covered under the law.

We urge you to keep the employment protections for domestic violence providers intact by not passing HB2283. Thank

Mahalo,

Ann S. Freed  
Co-Chair Women's Coalition  
95-227 Waikalani Dr. A403  
Mililani, HI 96789  
808-623-5676

**yamashita2 ----Aulii**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 8:36 AM  
**To:** LABtestimony  
**Cc:** jbsestak@prodigy.net  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Betty Sestak  
Organization: AAUW-Windward  
E-mail: [jbsestak@prodigy.net](mailto:jbsestak@prodigy.net)  
Submitted on: 2/2/2012

Comments:  
Not a good definition..not everyone needs or can access a counselor.

## yamashita2 ----Aulii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 5:43 PM  
**To:** LABtestimony  
**Cc:** breaking-the-silence@hotmail.com  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Dara Carlin, M.A.  
Organization: Individual  
E-mail: [breaking-the-silence@hotmail.com](mailto:breaking-the-silence@hotmail.com) Submitted on: 1/31/2012

### Comments:

Good Morning Representatives and thank you for this opportunity to provide testimony on this measure.

PLEASE support this very important piece of legislation. As you already know, domestic violence is an extremely complicated and complex problem that infiltrates every area of a victim's life. Abusers frequently try to discourage and thwart a victim's employment because employment means:

- income (so she's not as dependent upon him)
- a sense of accomplishment (that may make her subjugation more difficult)
- friends (whose opinions may differ from the abuser's that in turn could make her resistant or less inclined to follow his directions and promote independent thinking)
- time away from him (that leaves her open to influence and takes her away from his supervision)
- during work hours, he's not the top priority (and abusers absolutely HATE being second best to anything)
- and (in their bizarre thinking) now she can flirt, be open to "the constant" sexual advances of all her male coworkers, have an affair or affairs with coworkers

In some instances the abusers are absurdly wrong (ie: cheating) but in other ways they're right: employment DOES contribute to financial independence, higher self-esteem, a sense of community and camaraderie beyond his control so it really shouldn't come as a surprise that abusers frequently target a victim's employment, employment ability or status with disruptive tactics.

Employment can make the difference between a domestic violence victim and a domestic violence survivor because without employment to support herself and her children another barrier stands in her way to safety, freedom, security and success.

Although abusers are prohibited from having sole or joint custody of the children when HRS 571-46(9) is ignored or not applied, a DV survivor is more likely to lose custody of her children because unemployment makes her look less likely in the eyes of the court to provide and care for her children. Abusers don't want to see their victims live "happily ever after" without them (it kinda nullifies their threat of "You're nothing/nobody without me!") and reliable employment helps victims pave a path out and away while ensuring a survivor's resolve and ability to stay away once they've broken free.

DV Safety Planning often includes informing employers (and landlords) of the victim-survivor's DV status for protection and for the safety of all concerned, but doing so frequently lends itself towards scrutiny, very sudden unsatisfactory performance reviews, excessive unexcused lateness reports and absences that go beyond allotments that subsequently lead to termination.

DV is an uncomfortable issue for EVERYONE (especially for the victim-survivors dealing with it) but personal discomfort should not lead to discriminatory employment or prejudicial hiring practices so please support DV victim-survivors by supporting this measure.

**yamashita2 ----Aulii**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 12:57 PM  
**To:** LABtestimony  
**Cc:** beverlyzigmond@juno.com  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: beverly zigmond  
Organization:  
E-mail: [beverlyzigmond@juno.com](mailto:beverlyzigmond@juno.com)  
Submitted on: 2/1/2012

Comments:

I OPPOSE HB2283, which would amend Section 378-1, Hawaii Revised Statutes, to include domestic violence victims. The definition offered in HB2283 however, is a new, narrower definition of "domestic or sexual violence victim" than current law. Act 206, which went into effect January 1, 2012, has a broader, more inclusive definition of domestic and violence.

As defined by HB2283 "Victim of domestic violence" means a person who consults a counselor for assistance in overcoming any adverse emotional or psychological effect resulting from physical harm, bodily injury, assault, extreme psychological abuse, or malicious property damage, or the threat of imminent physical harm, bodily injury, or assault caused by a family or household member."

Survivors' safety may not always involve a counselor, nor will survivors seek out counselors, solely, to assist them. Furthermore, there has been a strong public and private partnership between the Hawaii Civil Rights Commission and domestic violence advocates in providing outreach on Act 206 and the employment protections offered to survivors. Limiting the definition of domestic violence victim to what is proposed in HB2283 would not only undermine the gains made in Act 206, but confuse the public as to who is covered under the law.

Please OPPOSE this bill as I believe it would be detrimental to survivors of domestic violence, as well as undermine the work we advocates have already done.

mahalo  
Beverly Zigmond, Lana`i City,  
domestic violence advocate



**yamashita2 ----Aulii**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 11:50 PM  
**To:** LABtestimony  
**Cc:** carmille.lim@gmail.com  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Carmille Lim  
Organization: Individual  
E-mail: [carmille.lim@gmail.com](mailto:carmille.lim@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

Dear Chair Rhoads, Chair Mizuno, Vice-Chair Yamashita, Vice-Chair Jordan, and members of House Committee on Labor & Public Employment, and Human Services:

Please accept my testimony in opposition to HB2283, which redefines the definition of "domestic violence or sexual violence victim" in the existing employment discrimination statute.

HB2283 would amend Section 378-1, Hawaii Revised Statutes, to include domestic violence victims. The new definition proposed in HB2283 is a narrower definition of "domestic or sexual violence victim" than what is in current law. Act 206, which went into effect January 1, 2012, has a broader, more inclusive definition of domestic and sexual violence victim. In HB2283, "Victim of domestic violence" means a person who consults a counselor for assistance in overcoming any adverse emotional or psychological effect resulting from physical harm, bodily injury, assault, extreme psychological abuse, or malicious property damage, or the threat of imminent physical harm, bodily injury, or assault caused by a family or household member."

Domestic violence victims' safety may not always involve a counselor, and in many cases, survivors may not seek out counselors, solely, to assist them.

Thus, limiting the definition of domestic violence victim to what is proposed in HB2283 will not adequately protect all survivors of domestic violence.

Thank you for this opportunity to testify in opposition to HB2283.

Respectfully,  
carmille lim

yamashita2 ----Aulii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 02, 2012 9:09 PM  
**To:** LABtestimony  
**Cc:** Brenda.Kosky@gmail.com  
**Subject:** Testimony for HB2283 on 2/3/2012 9:10:00 AM

Testimony for LAB/HUS 2/3/2012 9:10:00 AM HB2283

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brenda Kosky  
Organization: Individual  
E-mail: [Brenda.Kosky@gmail.com](mailto:Brenda.Kosky@gmail.com)  
Submitted on: 2/2/2012

Comments:  
Strongly!