

**HB-710-HD-1**

Submitted on: 3/16/2019 3:47:43 AM

Testimony for LCA on 3/20/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Testifying for Rainbow Family 808	Support	No

Comments:

We strongly support HB710. Please pass this bill.

Mike Golojuch, Sr., Board Member, Rainbow Family 808

**HB-710-HD-1**

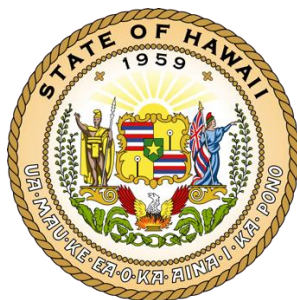
Submitted on: 3/16/2019 6:15:01 PM

Testimony for LCA on 3/20/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lea Minton	Individual	Support	No

Comments:

I support this bill as it will protect employees from discrimination.



Testimony on behalf of the  
**Hawai'i State Commission on the Status of Women**  
Khara Jabola-Carolus, Executive Director

Prepared for the S. Committees on JDC/LCA

In Support of HB710 HD1  
Wednesday, March 20, 2019, at 10:00 a.m. in Room 016

Dear Chairs, Vice Chairs, and Honorable Members,

On behalf of the Hawai'i State Commission on the Status of Women, I write in support of HB710 HD1, which would add reproductive health decisions and utilization of family leave to the list of categories that are protected against discriminatory employment practices.

While discrimination based on pregnancy, childbirth, and related medical conditions such as breastfeeding is prohibited, women can still be fired for personal reproductive health and caregiving choices they make—choices entangled with sex and gender. It is essential that we protect women's right to the full spectrum of reproductive care. The law should also expand workplace protections to the growing number of workers with caregiving responsibilities. No one should have to choose between their job and the wellbeing of their body and family. Accordingly, the Commission respectfully requests that the Committee pass HB710 HD1.

Mahalo,

Khara Jabola-Carolus

**HB-710-HD-1**

Submitted on: 3/17/2019 5:02:25 PM

Testimony for LCA on 3/20/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 710 HD 1.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.  
Chair  
LGBT Caucus of the Democratic Party of Hawaii

**HB-710-HD-1**

Submitted on: 3/17/2019 5:21:12 PM

Testimony for LCA on 3/20/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pride Work HI	Testifying for Pride at Work Hawaii	Support	No

Comments:

Aloha Senators,

The Pride at Work Hawaii, an affiliate of Hawaii State AFL-CIO, supports the passage of HB 710 HD 1.

Mahalo for your consideration and for the opportunity to testify in support of HB 710 HD 1.

Mahalo,

Pride at Work - Hawaii

To: Hawaii State Senate Committees on Labor, Culture and the Arts and Judiciary  
Hearing Date/Time: Wed., Mar. 20, 2019, 10:00 a.m.  
Place: Hawaii State Capitol, Rm. 016  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 710, H.D.1

Dear Chairs Taniguchi and Rhoads and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 710, HD1, which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

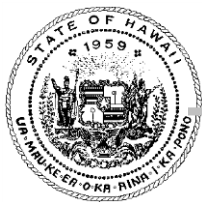
H.B. 710 fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women’s and children’s health when women delay or fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

H.B. 710 will protect employees from discrimination at a time when the actions of our federal government and states across the country are increasingly seeking to allow employers to discriminate against their employees and deny them services based on moral or religious beliefs. While individuals are entitled to their beliefs, employers shouldn’t have a license to discriminate against workers for their personal health care decisions or use of time to take care of their families. No one should ever have to worry that their personal decisions about birth control, pregnancy, abortion, in vitro fertilization or other reproductive health or family needs could subject them to workplace retaliation or punishment.

Please protect the health and economic security of workers and ensure that they are not forced to choose between their jobs and their reproductive freedom and families.

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

Sincerely,  
Laurie Field  
Hawaii State Director



# HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 20, 2019  
Rm. 016, 10:00 a.m.

To: The Honorable Brian T. Taniguchi, Chair  
The Honorable Karl Rhoads, Chair  
Members of the Senate Committees on Labor, Culture and the Arts, and Judiciary

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 710, H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 710, H.D. 1, would amend H.R.S. § 378-2 to add reproductive health decisions as a protected basis upon which employment discrimination is prohibited, and adds a definition of “Reproductive health decision” to § 378-1, as “the use or attempted use of any legal drug, device, or medical service intended to prevent or terminate a pregnancy, or the use or attempted use of any assisted reproductive technology.” The bill would also amend § 378-2 to prohibit discrimination based on utilization of family leave.

The HCRC supports H.B. No. 710, H.D. 1, with the amendment suggested below. Adverse employment actions should not be based on an employee’s or prospective employee’s reproductive health decisions, and this bill would prohibit that kind of discrimination.

Many claims of discrimination based on reproductive health decisions are already covered as discrimination based on sex (*e.g.*, the decision to terminate or not to terminate a pregnancy), and if enacted, H.B. No. 710, H.D. 1, would clarify this coverage.

**The HCRC notes that the exercise of rights under state family leave law is already protected**

**under HRS § 398-8. HCRC suggests that “utilization of family leave” be deleted from Section 2 of the bill in H.R.S. 378-2 (a) 1 and (9). This would avoid confusion regarding enforcement of complaints.**

With this noted, the HCRC supports H.B. No. 710, H.D. 1.





**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii  
The Senate  
Committee on Labor, Culture and the Arts  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association

March 20, 2019

H.B. 710, H.D. 1 – EMPLOYMENT PRACTICES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 710, H.D. 1 which adds reproductive health decisions and the utilization of family leave to the list of categories that are protected against discriminatory employment practices.

No employee, regardless of public or private employment status, should face an adverse employment action based on his or her reproductive health decisions or utilization of family leave. Passage of this important measure would ensure that employees who are trying to get pregnant, choose not to become pregnant, or utilize family leave on the birth or adoption of a child or to care for a close family member with a serious health condition are expressly protected from discrimination.

Thank you for the opportunity to testify in support of H.B. 1191, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



**of Hawaii**

March 19, 2019

From: Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State Senate Committee on Labor, Culture and the Arts; Senate Committee on Judiciary

Hearing Date/Time: Wednesday March 20, 2019 10:00AM

Place: Hawaii State Capitol, Room 016

Re: Testimony in SUPPORT of HB710 HD1

Dear Chair Taniguchi, Vice-Chair Ihara, Chair Rhoads, Vice-Chair Wakai, and members of committees,

The American Association of University Women (AAUW) of Hawaii strongly supports HB710 HD1 which would protect employees in Hawaii from workplace discrimination based on their personal reproductive health care decisions and/or utilization of family leave.

H.B. 710 fills a gap in existing Hawaii law, which bans pregnancy discrimination in the workplace, but fails to protect those who choose not to become pregnant or who are trying to become pregnant. Failing to protect women from discrimination on these bases can be dangerous to women's and children's health when women delay or fail to obtain health care because they fear for their job. It also subjects women to financial burdens and long-term negative economic, educational and employment consequences not faced by men.

Given federal administration is increasing seeking to allow employers to discriminate and deny employees' services based on religious belief, it is timely for Hawaii to protect employees from such discrimination with this bill.

AAUW of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Thank you for this opportunity to submit a testimony on this important matter.

Sincerely,

DAVID Y. IGE  
GOVERNOR



RYKER WADA  
DIRECTOR

JASON MINAMI  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

March 19, 2019

TESTIMONY TO THE  
SENATE COMMITTEE ON LABOR, CULTURE AND THE ARTS  
AND COMMITTEE ON JUDICIARY

For Hearing on March 20, 2019  
10:00 a.m., Conference Room 016

BY

RYKER WADA  
DIRECTOR

**House Bill No. 710, House Draft No. 1**  
**Relating to Employment Practices**

**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSONS TANIGUCHI AND RHOADS, VICE CHAIRS IHARA AND WAKAI,  
AND MEMBERS OF THE COMMITTEES:

Thank you for the opportunity to provide **comments** on H.B. No. 710, House  
Draft 1.

H.B. No. 710, House Draft 1 amends Chapter 378, Hawai'i Revised Statutes,  
Section 2 by adding "reproductive health decision" and "utilization of family leave" to the  
list of classes protected from unlawful discriminatory practices. Currently, State law  
prohibits discrimination based on "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.”

The Department of Human Resources Development notes while H.B. No. 710 proposed to insert a definition for “reproductive health decision” in Chapter 378, Hawaii Revised Statutes, Section 1, no similar definition is inserted for “utilization of family leave.”

To the extent the intent of this legislation is to include leave taken under the Hawaii Family Leave Law, the Department of Human Resources Development notes the exercise of rights under state family leave law is already protected under HRS § 398-8. Complaints regarding discrimination or retaliation for use of Hawai'i Family Leave Law are filed with the Department of Labor and Industrial Relations, pursuant to HRS §398-21. Enforcement and administrative proceedings are handled in accordance with applicable statutes and regulatory guidelines.

Federal family leave law, under the Family and Medical Leave Act (“FMLA”), contains similar retaliation and discrimination protections for employees. See Fact Sheet #77B: Protection for Individuals under the FMLA (attached). An employee who believes his or her rights under the FMLA have been violated has the choice of (1) Filing a complaint with the U.S. Secretary of Labor; or (2) Filing a private lawsuit pursuant to section 107 of the FMLA.

By listing “utilization of family leave” as a protected class under Chapter 378, Hawaii Revised Statutes, Section 2, the proposed legislation may unintentionally cause confusion with employees regarding *when*, *where*, and *how*, to file a complaint, as well as raise jurisdictional and/or Federal preemption issues.

For example, the Hawaii Department of Labor and Industry is currently charged with receiving and administering such complaints, the proposed legislation would also confer jurisdiction to the Hawai'i Civil Rights Commission, which has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). HRS §368-3. Complaints filed with the Hawai'i Civil Rights Commission must be filed within 180 days with the Hawaii Civil Rights Commission within 180 days of: 1) the alleged discriminatory practice, or 2) the date of the most recent occurrence in a pattern of ongoing discrimination. HRS §368-11. Complaints filed with the Department of Labor and Industrial Relations must be filed within 90 days of (1) the date of the alleged unlawful act; or (2) date of discovery by the employee of the alleged unlawful act; however, in no event shall a complaint be filed after the expiration of 180 days of the alleged unlawful act. HRS §398-21.

Accordingly, the Department of Human Resources Development respectfully requests "utilization of family leave" be omitted from proposed legislature, or the measure be amended to (1) provide a definition of "family leave" and (2) clarify administrative procedures and resolve jurisdictional concerns.

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



Hawai'i

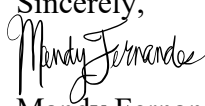
Committees: Committee on Labor, Culture and the Arts  
Committee on Judiciary  
Hearing Date/Time: Wednesday, March 20, 2019, 10:00 a.m.  
Place: Conference Room 016  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 710, H.D. 1,  
Relating to Employment Practices

Dear Chair Taniguchi, Chair Rhoads, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes **in support of H.B. 710, H.D. 1**, which protects employees from employment discrimination on the basis of their reproductive health decisions and utilization of family leave.

Hawai'i has a strong history of protecting an individual's right to make reproductive health decisions in accordance with what is best for themselves and their families. Unfortunately, while existing law prohibits pregnancy discrimination in the workplace, existing protections do not extend to workers who make a reproductive health decision *not* to become pregnant or to terminate a pregnancy, or who make a reproductive health decision to try, through medical intervention, to become pregnant. These decisions are personal and should never subject an individual to adverse employment consequences. **By removing this fear of workplace discrimination, H.B. 710, H.D. 1 allows workers to avoid choosing between doing what is best for their health and keeping their jobs.**

We urge the Committees to support this measure. Thank you for the opportunity to testify.

Sincerely,  
  
Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.*

American Civil Liberties Union of Hawai'i  
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[www.acluHawai'i.org](http://www.acluHawai'i.org)

**LATE**

**HB-710-HD-1**

Submitted on: 3/19/2019 10:13:31 PM

Testimony for LCA on 3/20/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Testifying for Hawaii Women's Coalition	Support	No

Comments:

Aloha Chair Taniguchi, Chair Rhoads and members,

The Coalition is in strong support of this measure that will protect women's rights with respect to reproductive healthcare decisions and their right to care for families when needed. Biology should no longer be destiny in the 21st Century.

Mahalo,

Ann S. Freed

Co-Chair, Hawaii Women's Coalition