



## HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

Committee: Committee on Labor  
Bill Number: H.B. 2381  
Hearing Date/Time: February 6, 2020, 9:20 a.m.  
Re: Testimony of the Hawai'i State Ethics Commission with **COMMENTS**  
on H.B. 2381, Relating to the Employees' Retirement System

Dear Chair Johanson, Vice Chair Eli, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") has not had an opportunity to discuss H.B. 2381, such that it does not take a position on this measure at this time. However, the undersigned submits the following comments for the Committee's consideration.

The Commission has, at times, discussed the possible need for increased penalties – including pension forfeiture – for employment-related misconduct. Although employment-related felonies for State employees are quite rare, an increased penalty may serve as an additional deterrent that will help promote the public's trust in government officials. Furthermore, I believe the Commission would support the requirement that pension forfeiture occur only after a court concludes that an employee committed a felony, and not upon a lower standard.

Thank you for your continuing support of the Commission's work and for considering this testimony on H.B. 2381.

Very truly yours,

Daniel Gluck  
Executive Director and General Counsel

Statement Before The  
**HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT**  
Thursday, February 6, 2020  
9:20 AM  
State Capitol, Conference Room 309

in consideration of  
**HB 2381**  
**RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.**

Chair JOHANSON, Vice Chair ELI, and Members of the House Labor & Public Employment Committee

Common Cause Hawaii supports HB 2381, which authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy. Common Cause Hawaii works to restore faith in our government and our democracy that has been shattered in the last few years through ethics, accountability, and transparency reforms. These reforms are probably the most important tools to restoring the people's trust in their elected leaders and government – to show people that their government is acting for the people's interest versus serving their own interests.

In a recent [Honolulu Star-Advertiser poll](#) published on Sept. 22, 2019, a majority of local residents feel that Hawaii's elected officials do not care what they think and generally do not have high ethical standards. This must change for people to have confidence in our government.

HB 2381 will show that government takes ethics seriously. Public employees are also public servants. They cannot defraud the public and destroy our confidence in government and still reap the benefits of their criminal misconduct. If this were to occur, then the only losers are the people and democracy.

HB 2381 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 2381 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 2381 provides that, upon the convicted governmental employees' passing, their pensions may be awarded to the designated beneficiaries. Due process is afforded, and pension is only forfeited pursuant to court order, under HB 2381.

Much concern is given to what may be lost by a convicted government employee. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her

position of power, trust, and authority. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform.

Thank you for the opportunity to testify in support of HB 2381, and Common Cause Hawaii respectfully urges the Committee members to pass HB 2381 out of your Committee. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii



**HB-2381**

Submitted on: 2/3/2020 6:58:35 PM

Testimony for LAB on 2/6/2020 9:20:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Individual	Support	No

Comments:

**HB-2381**

Submitted on: 2/3/2020 9:21:14 PM

Testimony for LAB on 2/6/2020 9:20:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Johanson and Members of the House Committee on Labor and Public Employment,

I am writing in support of HB2381. HB 238 authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.

HB 2381 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 2381 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 2381 provides that, upon the convicted governmental employees' passing, their pensions may be awarded to the designated beneficiaries. Due process is afforded, and pension is only forfeited pursuant to court order, under HB 2381.

Much concern is given to what may be lost by a convicted government employee. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her position of power, trust, and authority. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform.

Mahalo,

Caroline Kunitake