

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF  
SB 2520 SD1**

Date: Friday, March 1, 2024

Time: 10:31 a.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **SUPPORT** of SB 2520 SD1, RELATING TO DEFENSE OF STATE EMPLOYEES.

HAJ supports SB 2520 SD1 as it prevents professionally licensed state employees from being forced to secure private counsel at great expense for an event which is ultimately the financial responsibility of the State of Hawaii. Presumably many of these professionals do not maintain insurance because their professional actions are on behalf of the State of Hawaii.

Moreover, HAJ stands in support of this measure as it offers an avenue of recourse for the injury or loss of property, or personal injury or death, arising or resulting from the wrongful acts or omissions of any professionally licensed or certified employee of the State while acting within the course and scope of the employee's office or employment.

This measure appropriately balances the protection of resident's rights to recovery while offering protection to our hardworking professionally licensed or certified state employees.

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirty-Second Legislature, State of Hawaii  
The Senate  
Committee on Judiciary  
Committee on Ways and Means

Testimony by  
Hawaii Government Employees Association

March 1, 2024

### S.B. 2520, S.D. 1 — RELATING TO THE DEFENSE OF STATE EMPLOYEES.

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 2520, S.D. 1 which requires the State to defend professionally licensed or certified state employees from civil actions when the employee was acting within the scope of their employment and was not grossly negligent or wanton, or failing to cooperate. Clarifies that the employee may employ their own attorney at the employee's own expense. Requires that if the State refuses to defend a state employee from civil actions on certain grounds, the Attorney General shall file a motion to withdraw as counsel.

As the State's largest public sector union, we represent many professionally licensed or certified employees who will be impacted by the passage of this measure, including physicians, nurses, psychiatrists, and engineers, among others. While we believe that employees are generally afforded qualified immunity, this measure will further strengthen their legal protections when exercising their professional judgment in their capacity as public employees. Furthermore, requiring the court to conduct a hearing if the Attorney General chooses to withdraw as council provides a fair 'check', particularly if the Attorney General unjustifiably withdraws as council. There have been far too many instances where the Attorney General has, in our opinion, decided to wrongly not defend an employee and that employee had to pay out of pocket for private council to defend themselves. In those cases, the inaction by the Attorney General has caused financial constraint for our members.

Additionally, we have concerns on page 5, line 1-3, which states:

“and the attorney general determines that a motion to withdraw as counsel is required to be filed”.

S.B. 2520, S.D. 1 - HGEA Testimony

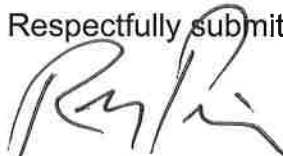
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This language could lend the Attorney General too much discretion in determining when they can withdraw as council. Therefore, we request that this language be struck.

Thank you for the opportunity to testify in strong support of S.B. 2520, S.D. 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira". The signature is stylized and cursive.

Randy Perreira  
Executive Director



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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The Thirty-Second Legislature, Hawaii  
The Senate  
Committee on Ways and Means  
Committee on Judiciary

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March 1, 2024

## TESTIMONY ON SB2520 SD1 – RELATING TO THE DEFENSE OF STATE EMPLOYEES

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations who represent over 68,000 union members within the State of Hawaii. The Hawaii State AFL-CIO serves its affiliates by advocating for workers and their families before the state legislature and other branches of state and county government.

We **support** SB2520 SD1, which reinforces crucial legal protections for state employees. This bill safeguards employees from undue legal challenges by requiring the State to legally defend professionally licensed or certified state employees in civil actions, provided they were acting within the scope of their employment and were not grossly negligent. Additionally, this bill clarifies that employees may employ their own attorney at their own expense ensures that their rights are fully protected.

This measure is essential for attracting and retaining qualified employees, as it reduces the fear of legal recourse that employees may face when exercising their professional judgment. By ensuring that employees are supported in their roles, this bill helps to maintain a skilled and dedicated workforce that is vital to serving the public interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira  
President