



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Thirty-Second Legislature, State of Hawaii  
House of Representatives  
Committee on Finance

Testimony by  
Hawaii Government Employees Association

April 2, 2024

S.B. 2520, S.D. 2, H.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. 2, H.D. 1, which requires the State to defend professionally licensed or certified state employees from civil actions or proceedings, under certain circumstances. Clarifies that the employee may employ their own attorney at the employee's own expense. Establishes a process for the Attorney General to transfer or withdraw representation if the Attorney General declines to defend the employee.

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.

Thank you for the opportunity to testify in strong support of S.B. 2520, S.D. 2, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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## TESTIMONY ON SB2520 SD2 HD1 – RELATING TO THE DEFENSE OF STATE EMPLOYEES

Chair Yamashita, Vice Chair Kitagawa, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations that represent over 68,000 union members in the State of Hawaii. The 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 SD2 HD1, 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 acted within the scope of their employment and were not grossly negligent. Additionally, this bill clarifies that employees may employ their attorney at their own expense, ensuring their rights are fully protected.

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

Respectfully submitted,

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

Randy Perreira  
President