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**Osa Tui, Jr.**  
President

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Executive Director

## TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON LABOR AND TECHNOLOGY

**Item: SB 336 – Relating to the Defense of State Employees**

**Position: Support**

**Hearing: Friday, January 31, 2025, 3:00 pm, Room 224**

**Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association**

Dear Chair Aquino, Vice Chair Lee, and members of the committees,

The Hawai'i State Teachers Association (HSTA) **supports** SB 336, which clarifies the State's duty to defend professionally licensed or certified state employees in civil actions. Many of our members are professionally licensed teachers who could face potential legal challenges. As such, this bill will allow our members to focus on teaching and taking care of their students without the worry of needing to secure legal counsel should a civil action occur.

SB 336 also establishes a clear process for the Attorney General to transfer or withdraw representation if the State declines to defend an employee. This process includes a requirement for a confidential motion to withdraw as counsel, protecting the employee's reputation and privacy. This provision is crucial for maintaining the professional standing of our members and ensuring that they are treated fairly in legal proceedings.

By clarifying the State's duty to defend and establishing a transparent process for handling legal representation, this bill provides valuable support and peace of mind for our members. We

recommend passage of SB 336 to affirm Hawai'i's commitment of supporting its dedicated public employees.

Mahalo.



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Thirty-Third Legislature, State of Hawaii  
The Senate  
Committee on Labor and Technology

Testimony by  
Hawaii Government Employees Association

January 31, 2025

### S.B. 336 — RELATING TO THE DEFENSE OF STATE EMPLOYEES.

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent S.B. 336, 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. 336.

Respectfully submitted,

Randy Perreira  
Executive Director



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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The Thirty-Second Legislature  
The Senate  
Committee on Labor and Technology

Testimony by  
Hawaii State AFL-CIO

January 31, 2025

## TESTIMONY IN SUPPORT OF SB336 – RELATING TO THE DEFENSE OF STATE EMPLOYEES

Chair Aquino, Vice Chair Lee, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 74 affiliate labor organizations representing over 68,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The Hawaii State AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, safe working conditions, and policies that strengthen Hawaii's workforce.

We support SB336, which requires the State to defend professionally licensed or certified state employees in civil actions or proceedings when their actions are within the scope of their employment and not grossly negligent. Public employees play an essential role in delivering critical services to our community, and they should not be left vulnerable to financial and legal burdens for performing their duties in good faith. Ensuring they are protected fosters confidence and stability among the workforce, allowing them to focus on serving the public effectively.

This measure strikes a fair balance by allowing employees to hire their own attorneys if desired and providing a structured process for the Attorney General to transfer or withdraw representation when necessary. These safeguards help maintain trust between employees and the State, encouraging a positive working environment and demonstrating a commitment to fairness for public servants.

We urge the committee to support this legislation as a meaningful step toward protecting state employees and strengthening the public services they provide.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Burnett".

Chris Burnett  
Director, Committee on Political Education