

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF
SB 336**

Date: Monday, March 31, 2025

Time: 3:15 p.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 336, RELATING TO DEFENSE OF STATE EMPLOYEES.**

HAJ supports SB 336 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 STATE AFL-CIO

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The Thirty-Third Legislature
House of Representatives
Committee on Finance

Testimony by
Hawaii State AFL-CIO

March 31, 2025

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

Chair Yamashita, Vice Chair Takenouchi, and members of the committees:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 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 because 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, which is a meaningful step toward protecting state employees and strengthening the public services they provide.

Respectfully submitted,

A handwritten signature in black ink that reads "Randy Perreira". The signature is written in a cursive, flowing style.

Randy Perreira
President



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

Testimony by
Hawaii Government Employees Association

March 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



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TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON FINANCE

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

Position: Support

Hearing: Monday, March 31, 2025, 3:15 pm, Room 308

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

Dear Chair Yamashita, Vice Chair Takenouchi and members of the committee,

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.