

## LEGAL NOTICE

### NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO RULES

Notice is hereby given that the Department of Labor and Industrial Relations, Hawai'i Civil Rights Commission (HCRC) will hold a public hearing to address proposed amendments to Hawai'i Administrative Rules Title 12 Subtitle 46, Chapters 1-318, relating to the Civil Rights Commission. The notice and public hearing are pursuant to Section 368-3(9), Hawai'i Revised Statutes (HRS), and Sections 91-3 and 92-41, HRS. A brief description of the proposed rule amendments is listed below:

1. **§12-46-1 Definitions.** Amends definitions for "Ancestry", "Employment", and "Sex." Adds definitions for "Arrest and court record", "Conviction", "Domestic or sexual violence victim", "Final order or Final decision", "Gender identity or expression", "Harassment", "Protected basis", and "Sexual orientation"
2. **§12-46-5 Filing of complaint.** Amends to make the language consistent with all areas of jurisdiction covered by HCRC. Adds and updates language to allow scans, emails, in addition to facsimiles
3. **§12-46-6 Contents of complaint.** Clarifies reference to filed complaint
4. **§12-46-6.1 Amendments.** Allows removal of parties and correction of names
5. **§12-46-11 Dismissal of complaint.** Clarifies enforcement responsibility
6. **§12-46-14 Notice of determination, conference, conciliation, and persuasion.** Adds requirement that Executive Director must notify parties in housing cases of possible election
7. **§12-46-16 Compliance review and reports.** Deletes "before case is closed" for compliance reviews
8. **§12-46-21 Record keeping requirements.** Clarifies enforcement responsibility
9. **§12-46-27 Format and certification of pleadings.** Eliminates reference to "wet type"
10. **§12-46-28 Service, generally.** Adds service by electronic mail during contested case hearings
11. **§12-46-31 Motions.** Allow declarations in addition to affidavits
12. **§12-46-32 Powers of the hearings examiner in conducting hearing.** Amend to clarify language by adding "and" to list
13. **§12-46-37 Decision, generally.** Clarifies definition of a final decision
14. **§12-46-50 Proposed findings of fact and conclusions of law.** Allows hearing

- examiner to order parties to file proposed findings of fact and conclusions of law at conclusion of hearing
15. **§12-46-101 General provisions.** Adds gender identity or expression and sexual orientation to the basis of sex, clarifies language
  16. **§§12-46-102, 103, 105 Sex discrimination.** Clarifies language regarding sex
  17. **§§12-46-106, 107, 108 Pregnancy Discrimination.** Eliminates gender-based terms, deletes “disability” and substitutes “known limitation” due to or resulting from pregnancy
  18. **§12-46-111 Labor organizations.** Clarifies language regarding sex
  19. **§12-46-171 General policies.** Amend for clarification. Substitutes “or” for “and”
  20. **§12-46-174 Language.** Clarifies language, deletes phrase “believes that it”
  21. **§12-46-181 General provision.** Technical amendment
  22. **§12-46-182 Definitions.** Amends definition of “disability” and “drug”
  23. **§12-46-187 Failure to make reasonable accommodation.** Adds reference to registered medical cannabis users with a disability. Adds reference to requests for accommodations by third-parties on behalf of individuals with a disability
  24. **§12-46-302 Definitions.** Adds or amends definitions of “Ancestry”, “Final order or final decision”, “Harassment”, “Legitimate nondiscriminatory reason”, and “Protected basis”

The Civil Rights Commission identifies no impacted Native Hawaiian traditional or customary rights or practices affected by the proposed rules. To view the proposed rule amendments, interested persons may visit the Hawai'i Civil Rights Commission's (HCRC) offices at 830 Punchbowl Street, Rm. 411, Honolulu, HI 96813 from 7:45am – 4:30pm, Mondays through Fridays, except holidays. The proposed rules are also available on the HCRC's website at <https://labor.hawaii.gov/hcrc/files/2024/07/HCRC-admin-rules-proposed-changes-compiled-7.17.24.pdf> and the website for the Office of the Lieutenant Governor at <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/> under “Hawaii Civil Rights Commission”, which links to the Commission's webpage under “NEW! Proposed Rules”. A hardcopy of the proposed rule amendments can be mailed to any interested person who requests a copy and will be provided at ten cents per page. Requests for mailed copies of the proposed rule amendments can be made by phone ((808) 586-8636), by email ([DLIR.HCRC.INFOR@hawaii.gov](mailto:DLIR.HCRC.INFOR@hawaii.gov)), by mail to: Hawaii Civil Rights Commission, 830 Punchbowl St. Rm. 411, Honolulu, HI 96813, or in-person by speaking to our

staff at our office located in the Ke'elikolani Building at 830 Punchbowl Street, Room 411.

**Public Hearing:**

The Public Hearing will take place on: **November 4, 2024 at 2:00 p.m.** virtually via Zoom using the following link <https://us02web.zoom.us/j/4349599058?pwd=VlpKZDVmZ3MzYit5cUJQTE1VekhOdz09&omn=85918957650>. Individuals may also participate by calling via telephone: +1-253-205-0468(US); Meeting ID: 434 9599058 Passcode: 514266

The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing. Interested members of the public may participate in the Public Hearing via the Zoom link provided, or at the physical meeting location on O'ahu at the Princess Ruth Ke'elikolani Building, **830 Punchbowl Street, Honolulu, HI 96813**, Room 411, in the HCRC conference room.

All interested persons are invited to provide oral or written comments on the proposed amended changes. To present live oral testimony via Zoom during the online Public Hearing, you will either need a computer or mobile phone with internet access, microphone, and video camera if available. To sign up, please email your request along with your email address, your full name, and phone number at least 24 hours in advance to: [constance.m.yonashiro@hawaii.gov](mailto:constance.m.yonashiro@hawaii.gov) to request the weblink to participate in the virtual hearing via Zoom.

Written comments may be presented to the HCRC staff at the Public Hearing, or mailed to the HCRC, Attention: Public Hearing - HCRC, at 830 Punchbowl St. Rm. 411, Honolulu, HI 96813, or faxed to: (808) 586-8655, or emailed to: [DLIR.HCRC.INFOR@hawaii.gov](mailto:DLIR.HCRC.INFOR@hawaii.gov) with the subject line: Public Hearing – HCRC. All written comments not presented at the Public Hearing should be received by the HCRC office by 2:00 p.m. on November 4, 2024. All comments, written and oral, received by the HCRC will be considered before publication of the final rules.

**If you need an auxiliary aid/service or other accommodation due to a disability, contact Constance Yonashiro at (808) 586-8642, [constance.m.yonashiro@hawaii.gov](mailto:constance.m.yonashiro@hawaii.gov), or call HCRC at TTY: (808) 586-8692, as soon as possible, preferably no later than ten (10) working days prior to the hearing date. If a request is received after October 22, 2024, the HCRC will attempt to obtain the auxiliary aid/service or accommodation but cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate or accessible formats, such as large print or digital/electronic copy.**