

MARCUS R. OSHIRO
CHAIRPERSON



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BOARD MEMBER

J.N. MUSTO
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HAWAII LABOR RELATIONS BOARD
KA PAPA LIMAHANA O HAWAII

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April 19, 2023

LATE

To: The Honorable Sharon Y. Moriwaki, Chair
The Honorable Chris Lee, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Place: Conference Room 225 & Videoconference
State Capitol
415 South Beretania Street
Honolulu, HI 96813

From: Marcus R. Oshiro, Chairperson
Sesnita A.D. Moepono, Member
J.N. Musto, Member

**Re: H.C.R. 61, H.D. 1, Requesting the Hawaii Labor Relations Board to
Establish Objective Standards and Criteria for Splitting off a Group
of State Workers into a New Bargaining Unit**

I. Overview of Proposed Concurrent Resolution

HCR HD1 requests that the Hawaii Labor Relations Board (Board) establish objective standards and criteria for splitting off a group of state workers into a new bargaining unit to assist the Legislature in determining the appropriateness of requests that come to the Legislature. HCR HD1 further requests that the Board submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Board has comments about this proposed concurrent resolution.

II. Comments on the Proposed Concurrent Resolution

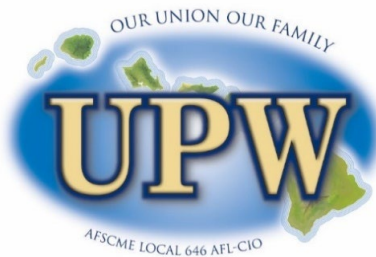
When the Legislature enacted Hawaii Revised Statutes (HRS) Chapter 89 in 1970, the Legislature created thirteen statutorily defined bargaining units. More than thirty years later, there are fifteen statutorily defined bargaining units.

Not every state permits public sector collective bargaining, and those that do permit public sector collective bargaining do not all have statutorily defined bargaining units. Therefore, to adequately understand what standards and criteria may be useful to the Legislature to determine the appropriateness of creating a new bargaining unit, the Board would need to gather information from a wide variety of sources including legislatures, boards, and commissions across the country.

The Board currently has a small staff with only six non-Board member positions.

Therefore, to provide information to the Legislature that may be useful, the Board respectfully requests that the Legislature provide additional time for such a request. With an additional year of time for research, the Board expects that it may be able to provide the Legislature with a complete and more accurate overview of the standards and criteria used in other states to create new public sector collective bargaining units.

Thank you for the opportunity to provide comments on this proposed concurrent resolution.



**THE SENATE
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023**

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Sharon Y. Moriwaki, Chair

Senator Chris Lee, Vice Chair

Wednesday, April 19, 2023, 3:00 PM
Conference Room 225 and via Videoconference

Re: Testimony on HCR61, HD1 – REQUESTING THE HAWAII LABOR RELATIONS BOARD TO ESTABLISH OBJECTIVE STANDARDS AND CRITERIA FOR SPLITTING OFF A GROUP OF STATE WORKERS INTO A NEW BARGAINING UNIT.

Chair Moriwaki, Vice Chair Lee, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for the institutional, health, and correctional employees in Bargaining Unit 10 (“BU-10”), in the State of Hawaii and various counties.

UPW supports the intent of HCR61, HD1, which requests the Hawaii Labor Relations Board (“HLRB”) to establish objective standards and criteria for splitting off a group of state workers into a new bargaining unit.

In the 50 years since the development of Chapter 89, HRS, the Legislature has only split off two groups of public employees into new bargaining units. UPW has sought to establish new bargaining units for the EMS workers of the City and County of Honolulu and the Adult Corrections Officers employed by the Department of Public Safety during the past two sessions. While we provided justification that was similar to that of other groups of public workers who have split off into separate bargaining units in recent years, such as mandatory training requirements and considerable changes in working conditions, we have not yet been successful in establishing a new bargaining unit in statute.

When BU-10 was created by the Legislature in the early 1970s, it included “prison guards” who managed a State prison population of less than 500 inmates and “ambulance drivers” who provided little, if any, medical care. In the five decades since, our prisons and jails are overcrowded and EMTs and Paramedics are required to perform more than a thousand hours of training and must be licensed by the State Board of Medical Examiners. A mixed BU for these two groups has become a constraint in addressing their diverse needs. Creating objective standards and criteria may provide a path forward in establishing new bargaining units for these public employees.

Thank you for the opportunity to testify on this measure.

Sincerely,

Kalani Werner
State Director

HCR-61-HD-1

Submitted on: 4/17/2023 6:51:28 PM

Testimony for LBT on 4/19/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zhizi Xiong	Individual	Comments	In Person

Comments:

CARES testifies to provide comments.