



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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April 3, 2009

To: The Honorable Marcus R. Oshiro, Chair
and Members of the House Committee on Finance

Date: Tuesday, February 26, 2009

Time: 3:00 p.m.

Place: Conference Room 308 State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Testimony in Strong Opposition of S.B. 1621 – Relating to Labor

I. OVERVIEW OF PROPOSED LEGISLATION

Senate Bill 1621 seeks to do away with the federally-run democratic secret ballot election process, which employees currently follow when deciding to organize as a union. The Bill provides that if the Hawaii Labor Relations Board finds that a majority of the employees have signed a 'valid authorization' designating an individual or labor organization as their bargaining representative, then the board shall certify the individual or organization as the representative **without directing an election**.

This legislation also attempts to force employers, to enter into collective bargaining meetings within ten days after receiving a written request for collective bargaining from the non-elected representative.

The Bill provides procedure for conciliation under section 377-3 if an agreement is not entered into after ninety days. If after thirty days beginning on the date the request for conciliation is made, the parties have not entered into agreement, the Hawaii Labor Relations Board shall refer the dispute to an arbitration panel established by the board.

II. RELEVANT LAWS

Nothing in state or federal law prevents an employer from **voluntarily** entering into an agreement with a labor organization that wants to organize under "crosschecking" or "card check".

Federal laws have a long tradition of recognizing the rights of workers to join labor unions. Since the passage of the Wagner Act in 1935, federal law has protected employees' exercise of their free choice to decide whether to join a union. This statute, which is also known as the National Labor Relations Act ("NLRA"), prohibits discrimination due to union membership. The Act, in Section 8(a)(3), provides that:

It shall be an unfair labor practice for an employer --:
by discrimination in regard to hire or tenure of employment
or any term or condition of employment to encourage or
discourage membership in any labor organization.
29 U.S.C. §158(a)(3).

The NLRA, otherwise known as the Wagner Act, was passed by Congress in 1935. The NLRA is the grandfather of employee rights legislation in the United States. Although passed primarily to create a peaceful system for unionization and collective bargaining, the NLRA was also the first federal employment discrimination statute - making it illegal for employers to discipline or discharge employees because they engage in union activity and other protected concerted activities.

Exclusive jurisdiction for enforcement of the NLRA was vested in a unique administrative agency – the National Labor Relations Board ("NLRB"). The NLRB was given broad authority to interpret and enforce the rights and obligations created by the NLRA, and to develop through case-by-case adjudication, a body of law to govern labor-management relations.

The NLRA went through significant changes in 1947 when the Taft-Hartley Act added a set of provisions designed to regulate and disempower unions. The statutory scheme that exists today, the Labor Management Relations Act ("LMRA"), combines the original pro-labor provisions of the Wagner Act with the limitations on union activity established by Congress in 1947.

Section 7 of the NLRA describes the essential employee rights underlying the act:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities....

Further, according to information provided by the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), "Most working people have the legal right under Section 7 of the National Labor Relations Act (NLRA) to join or support a union and to engage in collective bargaining (see www.aflcio.org). This includes the right to:

1. Attend meetings to discuss joining a union.
2. Read, distribute and discuss union literature (as long as this takes place in non-work areas during non-work times, such as break or lunch hours).
3. Wear union buttons, T-shirts, stickers, hats or other items on the job at most worksites.
4. **Sign a card asking your employer to recognize and bargain with the union.**
5. Sign petitions or file grievances related to wages, hours, working conditions and other job issues.
6. Ask other employees to support the union, to sign union cards or petitions or to file grievances.

Section 8 of the NLRA says employers cannot legally punish or discriminate against any worker because of union activity. The employer cannot threaten to or actually fire, lay off, discipline, transfer or reassign workers because of their union support. The employer cannot favor employees who don't support the union over those who do in promotions, job assignments, wages and other working conditions. The employer cannot lay off employees or take away benefits or privileges employees already have in order to discourage union activity."

III. SENATE BILL

The Department supports the right of workers to organize, but strongly opposes this bill for the following reasons:

1. On April 14, 2008 Governor Lingle vetoed H.B. 2974 which is substantively the same Bill as S.B. 1621, for the following reasons:
 - a. The "card check" procedure envisioned by this bill is a poor substitute for the secret ballot and is ripe for abuse.
 - b. The use of the secret ballot election process provides the employee anonymity and the opportunity to carefully consider and weigh individual choices after having the time to be fully informed by both the labor organization and the employer of various advantages and disadvantages of being collectively represented.
 - c. Nothing in this bill specifies how or when signatures can be obtained and there is no provision for neutral supervision. As a result there is no way to determine whether a worker's signature was given freely and without

intimidation, pressure, or coercion from fellow employees, labor representatives, or the employer.

- d. Maintaining the secret ballot is the fair, appropriate, and democratic way to protect workers' privacy and to ensure workers have the ability to vote their conscience without fear of repercussion or retaliation.
 - e. There is no compelling justification for replacing an unbiased, democratic process with one that has the potential to erode a worker's existing rights and protections under law.
 - f. This bill is also objectionable because it places arbitrary restrictions and deadlines on the negotiating parties without regard to the complexity of the agreement or the importance of free and non-coercive bargaining. Forcing parties to agree is antithetical to the system of labor relations that has served our country well for nearly 75 years.
2. This legislation is less-democratic as it forces the employer to effectively remain and to ensure that the NLRB election process is bypassed in an attempt by a labor organization to persuade their employees to join a union. Additionally, it does away with the secret balloting process that is inherent in our democratic society in allowing people to vote their conscience and imposes a simple "sign up" sheet.

We should continue the current process which is patterned after how we vote for public officials. Alternatively, the Department questions the need for such legislation and has concerns about the abolishment of secret balloting, which is specifically designed to protect employees from undue coercion.

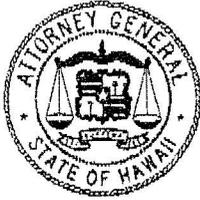
3. This is an issue of fairness. Employees should be allowed to voice their support for or against a union in the privacy of the voting booth without undue pressure or intimidation from both management and the union.

Alternatively, an employer should be allowed a choice in determining whether they want to have an equal voice with the labor union in advocating for or against organizing their establishment. In forcing the employer to enter into this agreement, that choice is taken away from them. Again, under state and federal law, an employer can already "voluntarily" enter into these agreements.

The Department believes it is bad public policy to force employers and employees to enter into these agreements as a condition of receiving state work or money. Further, the state strips the employee of their right to exercise their vote in private, without coercion or intimidation; and the employer of their right to insist on an election process that is both fair and ensures that employees are voting their conscience and not being peer pressured to sign a card.

Under this bill, the state is using the "power of purse" to force employers to agree to this organizing tactic in order to get work.

4. According to information provided by the AFL-CIO, a worker's right to organize is already protected.
5. The NLRA has been developed over the last 69 years to ensure a proper balance between the rights of those employees that want to organize and those that do not, as well as providing a fair process that protects the rights of employers.
6. Although we defer to the Department of Agriculture, the Department of Labor and Industrial Relations would like to point out that the increased burden on Island Farmers would be detrimental to our State's efforts to improve our sustainability and self sufficiency.



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

S.B. NO. 1621, S.D. 2, H.D. 1, RELATING TO COLLECTIVE BARGAINING.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Friday, April 3, 2009 TIME: 3:00 PM

LOCATION: State Capitol, Room 308

TESTIFIER(S): Mark J. Bennett, Attorney General,
or James Halvorson, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Department of the Attorney General strongly opposes certain provisions of this bill.

The purposes of this bill are: (1) to set procedures for establishing an initial agreement for collective bargaining following certification or recognition of a labor organization as the exclusive representative; (2) to allow unions to bring civil actions in circuit court for nonpayment of union dues; (3) to allow certification of a union representative through card check authorization without an election; (4) to permit a union and individual employees but not an employer to collect attorneys' fees and costs in actions before the Hawaii Labor Relations Board; and (5) to allow a civil penalty if an employer (but not an employee or union) willfully or repeatedly commits a prohibited practice.

We strongly oppose the following provisions:

1. Certification of Union Representative Through Card Check Authorization

We oppose section 4 of this bill (pages 6-8) because board certification of a union representative through card check authorizations has a tendency to undermine employees' right to organize

for purpose of collective bargaining under both the constitution and the statute.

Employees have the constitutional right to "organize for purpose of collective bargaining." Article XIII, sections 1 and 2, Hawaii State Constitution. Based on this right, the Legislature granted employees the freedom to participate in the collective bargaining process through representation of their own choosing. Sections 89-3 and 377-4, Hawaii Revised Statutes (HRS), were enacted and designed to protect employees. These statutes provide that employees have the right of self-organization and the right to form, join, or assist labor organizations, and bargain collectively through representatives of their own choosing. Further, sections 89-3 and 377-4 also provide that employees have a right to refrain from such activities.

In Hawaii, elections have been the exclusive means by which a union may obtain certification by the Hawaii Labor Relations Board (HLRB) to act as a collective bargaining representative for a group of employees. However, if enacted, this bill would obligate the HLRB to certify a union based on authorization cards without an election. Authorization cards are poor indicators of support, and this method of certifying a collective bargaining representative is susceptible to intimidation, coercion, and introduces irrelevant factors into the calculus of whether to select union representation. Secret ballot elections, on the other hand, provide employees with the opportunity to carefully consider their choice after being fully informed by both the union and the employer of the advantages and disadvantages of union representation. The National Relations Board has repeatedly stated that secret elections are generally the most satisfactory and indeed the preferred method of ascertaining whether a union has majority support.

We should continue the current process of certifying union representatives through election, which is patterned after how we vote for public officials.

2. Award of Attorneys' Fees and Costs

Section 5 of this bill beginning on page 8, line 17, seeks an amendment to section 377-9, HRS, modifying the remedial powers of the Hawaii Labor Relations Board to include the authority to award interest on back pay awards, plus costs and attorneys' fees in favor of employees.

Section 89-14, HRS, provides that any controversy concerning prohibited practices may be submitted to the Hawaii Labor Relations Board in the same manner and with the same effect as provided in section 377-9. Section 89-13 provides that it is unlawful for either employers or unions to engage in prohibited practices either against one another or against individual employees. Complaints alleging prohibited practices may be lodged by a union against an employer on behalf of one or more union members, by an employer against a union, or by an individual employee against his union, his employer, or both.

If passed, this amendment would mean that unions or employees could seek to recover attorneys' fees and costs from employers upon prevailing in prohibited practice complaints, but employers would be provided with no such reciprocal right. Not only does this failure uniquely and improperly stack the playing field against employers for no discernible reason, it is almost certain to be challenged as a violation of the equal protection clauses of the United States and Hawaii State Constitutions. In order to avoid such a logically unjustifiable and constitutionally fatal flaw, the bill must provide that the Hawaii Labor Relations Board may award attorneys' fees and costs in favor of any prevailing party.

3. Civil Penalty Against Employers

The amendment to section 377-9 beginning on page 8, line 22, provides for the **mandatory** imposition by the Hawaii Labor Relations Board of a civil penalty not to exceed \$20,000 in the event that an

employer is found to have "wilfully or repeatedly"¹ committed a prohibited practice.

The Committee on Labor did not provide an explanation as to why such a mandatory penalty is necessary in the first place, particularly in light of the fact that the Hawaii Labor Relations Board is already empowered with a wide range of discretionary remedial tools. No valid justification exists for prohibiting the Board from using its sound judgment in this regard.

More importantly, even if one assumes *arguendo* that mandatory penalties of this nature are needed, this proposal unaccountably fails to provide for such civil penalty in the event that a union is found by the Board to have committed prohibited practices against an employer and thus raises the same equal protection flaws as the provision for attorneys' fees and costs discussed above.

Equally worrisome, however, is the fact that the bill also fails to provide for the imposition of a civil penalty in the event that a union has been found to have committed prohibited practices against one of its own members. In short, for reasons that remain unexplained, this bill stacks the deck in favor of the unions and against both employers and individual employees who are union members. The bill lacks any form of logical justification for doing so and is almost certain to be subject to legal challenge as being unconstitutional.

Lastly, no provision establishes who will receive the benefit of any penalties actually imposed by the HLRB.

¹ Inclusion of the words "or repeatedly" is either a non sequitur or improperly ambiguous, since a finding of "willfulness" is a mandatory prong in establishing that a prohibited practice has occurred.

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE
FRIDAY, APRIL 3, 2009
3:00 P.M.
ROOM 308

SENATE BILL NO. 1621, SD2, HD1
RELATING TO LABOR

Chairperson Oshiro and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 1621, SD2, HD1, which provides a union representation privilege to protect the functions of the union as an exclusive bargaining representative to allow the union to perform its role in negotiations and contract enforcement; allows certification of union representatives through a card-check authorization; requires collective bargaining to begin upon union certification; sets certain deadlines for initial collective bargaining agreement procedures and conciliation of disputes; sets civil penalty for unfair labor practices; extends certain authorities to labor organizations representing employees for collective bargaining; and allows labor disputes to be defenses against prosecution for certain violations of law. The Hawaii Department of Agriculture (HDOA) is in strong opposition to this bill.

The existing law honors a worker's right to a private ballot, thereby increasing the likelihood that the worker's decision was made free from influence, abuse and intimidation. If the results from the private ballot indicate interest in an election, then both the union and the employer have the opportunity to make their case to the workers. Under this bill, if a majority of workers sign a petition, which by its open nature exposes the worker's position and therefore places the worker in a vulnerable situation subject to peer pressure, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if the workers want one.

Due to language challenges, agricultural workers are particularly vulnerable to misleading verbal or written explanations of a petition process that they may have little or no familiarity with. A language study undertaken by the National Agriculture Statistics Service indicates that the most prevalent language among agricultural workers is Ilocano; 89% comprehend English verbal instructions and 59% comprehend English written instructions. Among these same workers, comprehension of written instructions in Ilocano, is 79.7%. Among all agricultural workers, only 87.9% can understand written instructions in their first language and only 71.3% can understand written instructions in English.

Hawaii's farms would be subject to additional costs stemming from this bill. This is not the time to be adding additional costs onto Hawaii's agricultural producers. There are 7,521 farms in Hawaii, 84.6% of these farms are family farms. 1,783 Hawaii farms hire labor with most of these farms on the Big Island (63.3%), followed by Honolulu county (14.1%), Maui county (13.7%) and Kauai county (8.9%). Only 46.3% of all Hawaii farms have net profits with 87.9% of those with net profits reporting profits of \$49,999 or less. 53.7% of the farms in Hawaii report net losses. Over 74% of Hawaii's farmers have to work two or more jobs to stay in agriculture. How can you expect Hawaii's farmers to take on additional jobs just to pay the cost of unionization without any increase in productivity?

Hawaii's farm workers are already the highest paid in the country. Among hired farm workers on all farms in Hawaii, the average wage paid in the period of January 11-17, 2009 in Hawaii was \$12.69/hr. compared to \$11.16 in California and \$10.93 nationally (excluding Alaska). Among field and livestock workers on all farms in Hawaii, the average wage paid in the same period was \$10.93, \$10.10 in California, and \$10.08 nationally (excluding Alaska). Hawaii is already at a competitive disadvantage due to the cost and availability of land and water, transportation costs, and effects of invasive species.

This bill as written sets back Hawaii's efforts to become more self-sufficient in food production and in the long-run will result in the lessening of opportunities for agricultural workers. We strongly urge that you do what is best for Hawaii agriculture by ensuring that this bill is not allowed into law.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
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Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586 2594
Fax 808 586 8449

Linda Lingle
Governor

To: Chair Oshiro, Vice Chair Lee, and Members of the Committee on Finance
Conference Room 308

Theodore E. Liu
Director, DBEDT

Re: SB 1621, SD2, HD1 – “Relating to Collective Bargaining”

Members

Date: April 3, 2009 at 3:00 p.m.

Lynne Woods
Chairperson
MauI

Aloha:

Sharon L. Pang
Vice Chairperson
Oahu

As the Chairperson of and on behalf of the Small Business Regulatory Review Board, I offer testimony in **opposition** of SB 1621, SD2, HD1 “Relating to Collective Bargaining.” The Review Board is most appreciative of the change of attitude towards business shown over the past few years. However, the secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining through card check procedure may allow fear of retribution or coercion to enter into the process. All employees deserve the chance to make this important decision in private with a secret ballot.

Michael Yee
2nd Vice Chairperson
Oahu

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas. Each business is unique, and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business. Laws regarding property rights should not be permitted to be compromised for any reason by anyone.

Peter Yukimura
Kauai

Dorvin Leta
MauI

Bruce E. Bucky
Oahu

Charles Au
Oahu

Donald Dymond
Oahu

Richard Schnitzler
Hawaii

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2, HD1 is contrary to basic democratic and constitutional principles and should not be passed. On behalf of the members of the Small Business Regulatory Review Board, I thank you for the opportunity to present this testimony.

David S. De Luz, Jr.
Hawaii

Yours truly,

Lynne Woods, Chairperson
Small Business Regulatory Review Board

**Testimony presented before the
House Committee on Finance
State Capitol - Conference Room 308
April 3, 2009
3:00 p.m.**

**RE: SENATE BILL NO. 1621 SD2, HD1 RELATING TO COLLECTIVE
BARGAINING**

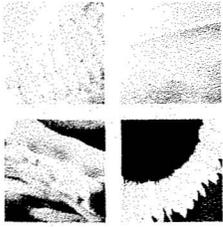
Chair Rhoads, and Members of the Committee:

My name is Kathryn Matayoshi, Executive Director of the Hawaii Business Roundtable. The Roundtable opposes Senate Bill No. 1621 SD2, HD1 relating to Collective Bargaining.

The Roundtable supports retaining the privacy protections that a secret ballot election provides. SB No. 1621 SD2, HD1 would remove that protection, one that is critically important for providing employees the opportunity to choose, in private, whether they want to join a union.

The Roundtable also supports continuing to protect the workers' right to vote on new contracts. SB 1621's binding arbitration provision would eliminate the workers opportunity to vote on that contract.

Thus, in summary, the Roundtable believes that the process for employees to make choices about unionization should not be changed, and that the right to vote on new contracts should also be retained. The Roundtable opposes SB 1621 SD2, HD1 and asks that it be held. Thank you for your consideration.



Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony By: Alicia Maluafiti
SB 1621hd1, Relating to Collective Bargaining
House FIN Committee
Friday, April 3, 2009
Room 308, 3:00 pm

Position: Strong Opposition

Chair Oshiro and Members of the House FIN Committee:

HCIA 2008-2009 Board of Directors

President

Adolph Helm

Vice President

Fred Perlak

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John Anderson

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Mike Austin

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Kirby Kester

Paul Koehler

Leslie Poland

Martha Smith

Mark Stoutemyer

Jill Suga

Past President

Sarah Slyan

Executive Director

Alicia Maluafiti

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association. The Hawaii Crop Improvement Association (HCIA) is a nonprofit trade association representing the agricultural seed industry in Hawaii. Now the state's largest agricultural commodity, the seed industry contributes to the economic health and diversity of the islands by providing high quality jobs in rural communities, keeping important agricultural lands in agricultural use, and serving as responsible stewards of Hawaii's natural resources.

HCIA strongly supports our workers' rights to secret ballot, to the inalienable privilege and right to vote in private for union certification. The current process provides this worker right, and we wholeheartedly endorse it. A few years ago, a union certification process was attempted on one of our member companies. In the end, after the secret ballot process, nearly 81% of the employees did not want to be union certified. HCIA member companies provide competitive benefit packages, good wages and job environments where safety of the worker is the first priority.

Union members themselves don't seem to want card check, according to two recent polls. A 2004 Zogby poll conducted for the Mackinac Center for Public Policy found that 71 percent of union members believe that the current private-ballot process is fair, versus only 13 percent who disagree. Nor do union members want to lose their right to a private vote. Fully 78 percent of union members favor keeping the current system over replacing it with one that provides less privacy. (See Joseph Lehman, "Union Members' Attitudes Towards Their Unions' Performance," Mackinac Center for Public Policy, www.mackinac.org/archives/2004/s2004-05.pdf.)

Government should also protect the right of workers and employers to bargain freely. Binding arbitration, as stated in this bill, means that federal agents or an undefined arbitration panel would impose employment contracts on newly organized companies. Workers would not have the option of voting down the contract, and companies would have no recourse if an arbitrator imposed uncompetitive terms that would drive it into bankruptcy. Hawaii state policy should not impose these kinds of wage controls, particularly in this economy.

SB 1621hd1, like the federal Employee Free Choice Act does not do what its sponsors contend that it would do. In reality, it strips workers of their rights and their privacy while exposing them to abuse and intimidation and taking away their ability to bargain with their employers. Please the attached article for additional information.

We urge you to hold this bill in committee. Thank you for the opportunity to testify.

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March 29, 2009

New economy calls for more flexibility

Con: Union do's and don'ts

By Dean Okimoto

The Hawaii Farm Bureau Federation recognizes the role unions and union workers have played in Hawaii and the support they have given to our agriculture industry. At the same time, everyone must recognize that the world economy has changed and agriculture is changing with it. To compete in the global economy, Hawaii's agriculture industry needs dynamic companies, innovative farmers and flexible workers who can adapt quickly to changes in the market. That's why it's disturbing to see legislation, referred to as "card check," pending in the Hawaii Legislature and in the U.S. Congress.

The major benefit of a union is to improve the plight of the worker. Hawaii's low unemployment rate means that employers are competing for a limited workforce. According to the Hawaii Department of Agriculture, the average wage paid for the period of Jan. 11-17, 2009, was \$12.69 per hour in Hawaii. This compares to \$11.16 per hour in California and \$10.93 per hour nationally (excluding Alaska).

Our farmers and ranchers often compete against other economic sectors for their workers and pay higher salaries and benefits to not only get but to retain workers. Hawaii's prepaid medical laws provide benefits to workers that may not be the norm in other areas of the country.

According to The Chamber of Commerce of Hawaii, a recent national survey showed that three out of four voters (74 percent) oppose the "The Employee Free Choice Act"; 74 percent of union households also strongly oppose the measure.

The bill in the state Legislature would have a broad impact. It would apply to workers covered by the Hawaii Employment Relations Act, Chapter 377.

In addition to most agricultural workers, it affects non-retail businesses with less than \$50,000 in annual sales; retail businesses with less than \$500,000 in annual sales; small nonprofit organizations; daycare centers with less than \$250,000 in gross annual revenues; and hotels, motels, apartments and condominiums with less than \$500,000 in annual revenues. It also will impact taxicab companies with less than \$500,000 in total annual revenues; law firms and legal-aid programs with less than \$250,000 in gross annual revenue; some art museums; and colleges, universities, and secondary schools with less than \$1 million in annual revenue.

Agriculture in Hawaii is already at a competitive disadvantage due to the cost and availability of land and water, transportation costs, and the impact of invasive species. Worker productivity is key to viability.

If passed, this bill will stall our efforts to become more self-sufficient in food production and will lessen opportunities for agricultural workers. Technology is changing rapidly and workers must be able to do different tasks at different times and in different ways without having to check in with a supervisor or union boss. The days of extensive labor-intensive operations are gone — maximum productivity equals mechanization, and automation involving skill sets that require continuous learning.

The only common element at farms large and small across the state today is diversity. Although some of the seed companies in Hawaii today approach the size of what were our smaller sugar cane and pineapple operations, these companies and their workers are highly flexible and must remain so to compete.

We must empower Hawaii's workers by giving them the training they need to help grow the agricultural industry in our state. Unions can have a seat at the table as we discuss the way forward, but the traditional union model can't be part of the deal. I know what we are suggesting is difficult. But all of us in the business world are making difficult decisions. We need to set the stage for the new tomorrow.

The future of Hawaii's agriculture industry is in question and the card check measure will thwart the progress we've made. Legislators should oppose this bill so that agriculture can continue to evolve into a strong, sustainable industry for Hawaii's future.

Dean Okimoto is the president of the Hawaii Farm Bureau Federation. He wrote this commentary for The Advertiser. Jim Tollefson, president and CEO of The Chamber of Commerce of Hawaii, contributed to this commentary.



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www.Kona-Kohala.com info@kona-kohala.com

April 1, 2009

TO: FINANCE COMMITTEE
Rep. Marcus R. Oshiro, Chair; Rep. Marilyn B. Lee, Vice Chair and
members of the committee
April 3, 2009 hearing; 3 pm.; Room 308; State Capitol

FROM: Kona-Kohala Chamber of Commerce (via email in lieu of in-person
testimony)

SUBJECT: **Opposition of SB 1621, SD2 HD1 Relating to Collective
Bargaining**

My name is Vivian Landrum, Executive Director of the Kona-Kohala Chamber of Commerce (KKCC). KKCC represents over **630** business members and is the leading business advocacy organization on the west side of Hawai'i Island. The KKCC also actively works to enhance the environment, unique lifestyle and quality of life in West Hawai'i for both residents and visitor alike.

On behalf of our membership, I respectfully ask that you hold SB 1621, SD2 HD1. Regardless of political affiliation, we believe this Bill is opposed by the majority of people in West Hawaii. At a time when we need to strengthen and support our business community, we feel this measure will hurt business, particularly small business.

Questions arise as to the extent of this bill's effect on our already fragile business industry. Unionization will increase the cost of locally produced products. At a time when businesses, both large and small, are struggling financially, this is not the time to bring unforeseen additional costs for them to bear.

This measure removes every employee's right to a secret ballot in determining whether to have union representation. We believe this bill denies workers their **fundamental right** to a secret ballot to determine their employment future.

Finally, the binding arbitration will hurt both employees and employers. Asking outside representation to determine the future of both the employee and employer, without vote could result in both parties having to settle for something neither was working towards and the consequences could equal the shutdown of a business and additional unemployment numbers.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

A handwritten signature in cursive script that reads "Vivian Landrum".

Vivian Landrum
Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii State AFL-CIO
April 3, 2009

S.B. 1621 SD2, HD1 – RELATING
TO COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports the purpose and intent of S.B. 1621 SD2, HD1 and the proposed amendments to Chapter 377, and 380 HRS, (The Hawaii Employment Relations Act). As drafted, the bill would allow employees to unionize through majority sign-up. Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize.

According to Kate Bronfenbrenner from Cornell University, “employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds.” Undeniably, employees are fearful of losing their jobs and therefore, vote no when the election finally occurs. This type of coercion needs to stop, and the employee free choice act can help prevent these hideous tactics from occurring.

Further, opponents claim the employee free choice act would take away the sanctity of the secret ballot and as a result oppose the bill. However, opponents should try and compare a union election to a political election. In a political election, candidates have equal access to the voters, whereas in a union election, the employers have access to the employees while the union does not. This is obviously not fair and a complete advantage to the employer. Additionally, the employee free choice act does not abolish the secret ballot election. Rather, S.B. 1621 SD2, HD1 empowers workers by giving them the ability to choose an established procedure in which workers sign cards to indicate their support for a union, or staging an HLRB election.

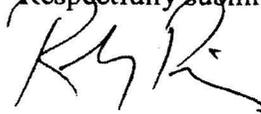
In addition, the other suggested additions to Chapter 377, HRS will prevent efforts by employers to stall negotiations indefinitely. The parties are required to make every reasonable effort to conclude and sign a collective bargaining agreement. If the parties are not successful after ninety days of negotiations, either party can request conciliation through the Hawaii Labor Relations Board. This will help put a stop to the numerous delays that employers use. In addition, as stated from SB 1621 SD2, HD1 “an employer who willfully or repeatedly commits unfair or prohibited practices that interfere with the statutory rights of employees or discriminate against

employees for the exercise of protected conduct shall be subject to a civil penalty not to exceed \$20,000 for each violation.” The civil penalty should hopefully protect the employee from employer abuses.

It is time to give middle class workers and their family a fair shake. Over the last eight years, workers have struggled to maintain parity with a rising cost of living; meanwhile, CEO's and other executives continue to receive multi-million dollar bonuses and large six to seven digit salaries. Even today, as many of these businesses have been bailed out by the Federal government, the working class continues to receive pay cuts. That is not the way to fix our ailing economy. It is time to pass the employee free choice act and level the playing field once and for all. It is our working class that will help revitalize our economy and get us out of this economic crisis we are currently in. Passage of the employee free choice act is step in the right direction.

Thank you for the opportunity to testify in support of S.B. 1621 SD2, HD1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Perreira', written over the typed name below.

Randy Perreira
President



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
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NORA A. NOMURA
Deputy Executive Director
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Deputy Executive Director
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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
April 3, 2009

S.B. 1621, S.D. 2, H.D. 1 – RELATING
TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association supports the purpose and intent of S.B. 1621, S.D. 2, H.D. 1, and suggests one revision.

The measure proposes amendments to Hawaii Revised Statutes Chapters 377 (The Hawaii Employment Relations Act) and 380 (Labor Disputes; Jurisdiction of Courts). The bill allows union certification by signed authorization from the employee; facilitating initial collective bargaining in the private sector; sets civil penalty for unfair labor practices; and provides for limited defenses for protected activity in a labor dispute.

The proposed process permits the employees, with a majority of their signatures, to petition to be represented by a union. Currently, an employer does not have to recognize the majority's signatures and can insist on a secret ballot election. The measure will help level the playing field, giving the choice to employees.

The proposed mechanism to facilitate settlement of an initial collective bargaining agreement will prevent efforts by employers to stall negotiations indefinitely. It also provides for a request for conciliation and, ultimately, arbitration to resolve a dispute and for a collective bargaining agreement that will be binding for two years.

The measure provides for protected activity for union organization activities and limits this protection (page 4, line 7-9) as follows, "provided that this right shall not be extended to union activity inside the premises of an individual retail establishment." We suggest the removal of the foregoing provision to strengthen the bill.

Labor unions have a significant role to play in helping our economy recover and restoring the middle class. We strongly support the purpose and intent of the proposed legislation to streamline union certification and give employees a voice at work.

Hawaii State House of Representatives, Committee on Finance

Re: S.B. 1621, S.D. 2, H.D. 1

April 3, 2009

Page 2

Thank you for the opportunity to testify in support of S.B. 1621, S.D. 2, H.D. 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora A. Nomura". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nora A. Nomura
Deputy Executive Director



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

TESTIMONY SUPPORTING SB1621 SD2 HD1 RELATING TO COLLECTIVE BARGAINING

TO: HOUSE COMMITTEE ON FINANCE (VIA FAX 586-6001)

For Hearing on Friday, April 3, 2009, at 3:00 p.m., in Room 308

RE: SUPPORT FOR SB1621 SD2 HD1

Honorable Chair Oshiro, Vice Chair Lee, and House Committee Members,

My name is **Damien Kim**, and I am the Business Manager – Financial Secretary of the International Brotherhood of Electrical Workers Local Union 1186 representing over 3,500 members working in electrical construction, telecommunications, and Oceanic Cable. Our members include civil service employees at Pearl Harbor Shipyard, Kaneohe Marine Base and Hickam. IBEW Local 1186 also represents over 120 signatory electrical contractors that perform most of the electrical work in Hawaii.

SB1621 SD2 HD1 has been drafted to fix the problems and difficulties faced by workers who are regularly pressured by their employers against voting to join a union. This bill will set a level playing field and allow workers to decide fairly on union representation without threats and delays from their employers, who often take advantage of their employees due to their unequal power relationship.

Thank you for providing me with this opportunity to testify in strong support for SB1621 SD2 HD1.

Mahalo and aloha,

Damien Kim
Business Manager – Financial Secretary
International Brotherhood of
Electrical Workers, Local Union 1186

1065 AHUA STREET
HONOLULU, HI 96819
PHONE: 808-833-1681 FAX: 839-4167
EMAIL: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

April 1, 2009

TO: THE HONORABLE REPRESENTATIVE MARCUS R. OSHIRO, CHAIR AND MEMBERS OF THE COMMITTEE ON FINANCE

SUBJECT: S.B.1621, SD2, HD 1, RELATING TO COLLECTIVE BARGAINING

NOTICE OF HEARING

DATE: Friday, April 3, 2009
TIME: 3:00 PM
PLACE: Conference Room 308

Dear Chair Oshiro and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, is **strongly opposed** to the passage of S.B.1621, SD2, HD1, Relating To Collective Bargaining (also referred to as the "**Omnibus Union Rights Law**") because of the increased burden that it places upon businesses at a time when they can least afford it while giving unions unfair powers and rights.

S.B. 1621, SD2, HD1, will provide unions with legal immunity and authorizes unions to engage conduct that may be criminal if it is engaged in a labor dispute.

There is no valid public purpose in authorizing potential criminal activity. Under this bill a reasonable request or order from a law enforcement officer can be defied with impunity, thereby allowing labor activity to obstruct walkways and driveways and totally restrict any public access. At the same time the general public will be subject to criminal penalties if they try to gain public access that has been blocked.

The GCA believes that this provision will be subject to court challenge as an illegal and unconstitutional protection of certain private interests at the expense of the general public.

The bill would also allow for union secrecy in the collective bargaining process. The proposed bill provides for secrecy and union immunity from actions of the courts, administrative agencies, arbitrators, legislative bodies and other tribunals. This union secrecy provision will hinder a fair collective bargaining process and allow for secret abuses of the law "as long as it is not criminal".

The bill further, does away with the employees' right to a secret ballot and is tilted in favor of union certification. We believe that if the majority of the employees favor organization then they will vote that way in a secret ballot.

The GCA is **strongly opposed** to the passage of S.B. 1621, SD2, HD1, and respectfully asked the committee not pass this bill.

Thank you for the opportunity to testify on this measure.



**HAWAI'I HOTEL & LODGING
ASSOCIATION**

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E-Mail: hhl@hawaii-hotels.org
Website: www.hawaii-hotels.org



31st Anniversary
Are You Walking???
May 16, 2009
(Always the 3rd Saturday in May)
www.charitywalkhawaii.org

**TESTIMONY OF MURRAY TOWILL
PRESIDENT
HAWAI'I HOTEL & LODGING ASSOCIATION**

April 3, 2009

RE: SB 1621 SD2 HD1 Relating to Collective Bargaining

Good afternoon Chairman Oshiro and members of the House Committee on Finance. I am Murray Towill, President of the Hawai'i Hotel & Lodging Association.

The Hawai'i Hotel & Lodging Association is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms and individuals. Our membership includes over 170 hotels representing over 47,300 rooms. Our hotel members range from the 2,680 rooms of the Hilton Hawaiian Village to the 4 rooms of the Bougainvillea Bed & Breakfast on the Big Island.

The Hawai'i Hotel & Lodging Association opposes SB 1621 SD2 HD1 Relating to Collective Bargaining. This bill would allow for the certification of a labor organization without an election.

We do not believe it is appropriate to remove an employee's right to a secret ballot in determining their representation by a labor organization. Each individual should have the right to choose representation without being subject to pressure from either management or a labor organization.

We urge you to hold this bill. Mahalo again for this opportunity to testify.

Hawai'i Alliance for Retired Americans AFT Retirees

HGEA Retirees

An affiliate of the Alliance for Retired Americans HSTA – Retired

c/o AFSCME · 888 Mililani Street, Suite 101 · Honolulu, Hawaii 96813 ILWU Retirees

Kokua Council

Machinists Union Retirees

UPW Retirees

ADA/Hawaii

Hawaii Family Caregivers Coalition

(Submitted to <http://www.capitol.hawaii.gov/emailtestimony> April 1, 2009)

Statement of Al Hamai, President, Supporting SB 1621, SD 2, HD1, Relating to
Collective Bargaining

Hearing of the House Committee on Finance

April 3, 2009, 3 p.m. Conference Room 308

Chair Marcus Oshiro, Vice Chair Marilyn Lee and Members of the Committee,

HARA strongly supports SB 1621, SD2, HD1. HARA has nine affiliates, listed on this letterhead, representing 21,000 members.

The purpose of this bill is to promote the right to organize for the purpose of collective bargaining, as recognized in Article XIII of the Hawaii state constitution.

We concur with the purpose of this bill. Approval of this bill will be a big step toward enabling workers, who want to belong to unions, a fairer chance to belong to a union, and secure a collective bargaining contract. A worker by himself alone is helpless on the job. He needs the strength on union to get better wages and working conditions for himself, for his family and really for his community.

The NY Times editorial of December 28, 2008, entitled “The Labor Agenda” in support of the national Employee Free Choice Act in 2009 stated in part:

“Even modest increases in the share of the unionized labor force push wages upward, because nonunion workplaces must keep up with unionized ones that collectively bargain for increases. By giving employees a bigger say in compensation issues, unions also help to establish corporate norms, the absence of which has contributed to unjustifiable disparities between executive pay and rank-and-file pay.”

HARA urges this Committee to approve SB1621, SD2, HD1. Clearly it is the right thing to do for workers and our community. Mahalo.

HARA is a strong voice for Hawaii's retirees and seniors; a diverse community-based organization with national roots; a grassroots organizer, educator, and communicator; and a trusted source of information for decision-makers.



HAWAII CREDIT UNION LEAGUE

1654 South King Street
Honolulu, Hawaii 96826-2097
Web Site: www.hcul.org

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Email: info@hcul.org



Testimony before the House Committee on Finance
Friday, April 3, 2009 at 3:00 p.m.

Testimony opposing SB 1621 SD2 HD1, Relating to Collective Bargaining

To: The Honorable Marcus Oshiro, Chair
The Honorable Marilyn Lee, Vice-Chair
Members of the Committee on Finance

My name is Stefanie Sakamoto and I am testifying on behalf of the Hawaii Credit Union League, which represents 91 credit unions serving approximately 810,000 credit union members throughout the state.

Our concern is that the process this measure proposes would place the employer in an unfair position, and would also take away an employee's right to choose, or not choose union representation. Employees should have a choice, and should be have the opportunity to be presented with information from both the employer and union. SB1621 SD2 HD1 would circumvent this process.

Thank you for the opportunity to testify.

HICA * Hawaii Island Contractors' Association

494 C Kalanikoa Street * Hilo, HI 96720 * Phone 935-1316 * Fax 934-7779 * hical@hawaiiantel.net

Representative Marcus Oshiro, Chair
Committee on Finance
State Capitol, Room 308
Honolulu, HI. 96813

April 2, 2009

RE: SB1621, SD2, HD1-Relating to Labor

Chair Oshiro and Members of the Committee on Finance:

My name is Earl Yempuku, Chairman of the Legislative Committee of the Hawaii Island Contractor's Association. We are an island wide organization of contractors, suppliers, and construction related businesses representing approximately 140 companies and 160 individuals. The HICA is a member and partner with the Building Industry Association and strives to unite and promote the interests of our members to improve the quality of life of for the people of Hawaii.

The HICA is strongly opposed to SB1621, SD2, HD1- Relating to Labor, also known as the "Card Check" bill.

The elimination of the secret ballot for employees in an election for unionization is especially repugnant in our democratic society as it does not allow all parties an equal and fair opportunity to present their side of the argument. Imagine if it were possible to collect signatures constituting a majority of registered voters in your district to elect someone else (without your knowledge and with no time limits) and you were then suddenly forced to leave office when those signatures were presented to the Governor. Would you consider that "fair"? This bill would similarly be unfair to business owners and employers, many of which are already struggling to survive while coping with a poor economy and already burdensome regulations. Whether unionization is good or bad is really not the point. The issue is fairness to all sides in determining how a decision is made.

We respectfully request that this bill be held.

Thank you for the opportunity to share our views with you.

Earl Yempuku,
Chairman
HICA Legislative Committee



Charlie Parry Realtor® ABR

Principal Broker
cell: 808.938.1710 email: charlie@CPKonaRealty.com

Charlie Parry
76-352 Wana Street
Kailua-Kona HI 96740

Testimony to the House Finance Committee
April 3, 2009
3:00 p.m.
Room 308

Re: SB1621 SD2 HD1 – Relating to Collective Bargaining

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

My name is **Charles G. Parry and I am the Owner/Broker of CP Kona Realty, 75-5744 Alii Drive #168, Kailua-Kona HI 96740-1740, office phone: 808-329-8060; cell: 808-938-1710; email: Charlie@CPKonaRealty.com.**

I respectfully request that you hold SB1621 SD2 HD1.

The right to a secret ballot is fundamental to being an American citizen and this bill takes that right and the protections it affords citizens away. No matter what the proponents of this “card check” claim, there is no benefit worth stripping American citizens of their right to vote by secret ballot. I have experienced first hand the intimidation and fear tactics of union organizers whose only goal is to form and perpetuate a union. It does not matter to them what another individual may believe is best. The only protection a worker has against union pressure is the secret ballot. The union only knows if they won or lost, not which workers voted against them. Take that protection away, let the union stand in front of a worker until he or she signs a card, and you will have more unions. But it is not right! Every worker will be subjected to fear of harm, work accidents, loss of income, cold shoulders, and anything else that can be used to get the needed signature. Please do not let this happen.

Once the signatures are obtained, the union is in and the costs of doing business go up. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The binding arbitration clause has the potential to hurt both employees and employers. Contracts that are not voted upon by the workforce could result in both sides having to settle for something that is injurious and could result in the shutdown of business. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

Finally, this issue is currently being debated at the National level and it makes no sense to go forward at the State level until that debate is concluded.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Stay well and happy,
Charlie Parry



"Why Just Dream?"

75-5744 Alii Dr. #168 Kailua-Kona, HI 96740.1740
office: 808.329.8060 fax: 808.331.0536 toll free: 866.329.8060
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"Why Just Dream?"

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**Testimony in Opposition of
SB 1621 SD2 HD1**

**By
Barry K. Taniguchi
President, KTA Super Stores**

**Presented before
House Committee on Finance
April 3, 2009, 3:00 pm**

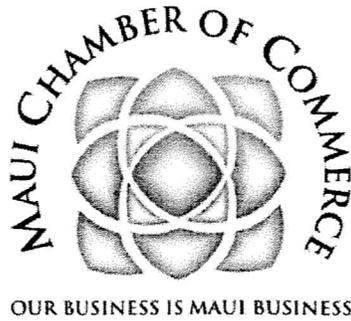
Chair Oshiro and members of the committee on Finance.

We encourage the Legislature to take responsible and timely action with regard SB 1621 SD2 HD1. If enacted we believe this measure will hurt Hawaii's economy.

We believe there are adequate opportunities for Unions to organize employees and I believe this bill would give the Unions an unfair advantage in organizing activities. There may have been a time in the past when employers were not responsive to their employees. I think those days are in the past and employers are always thinking of ways to care for their employees.

Further, the secret vote method is the most "American" way to conduct such elections. I can see where card checks can create a hostile environment when pro-union representatives approach employees who may not be as responsive.

I ask you to think about this matter seriously in your future votes.



**Testimony to the House Committee on Finance
Friday, April 3, 2009 at 3pm
Conference Room 308**

RE: SENATE BILL NO. 1621, SD2, HD 1 "Card Check" Bill

Dear Chair Oshiro, Vice Chair Lee
and Members of the Committee:

I am writing today on behalf of the Maui Chamber of Commerce's membership in strong opposition to Senate Bill No. 1621 SD2 HD1, relating to Labor. Plain and simple, this bill is uncalled for and will hurt businesses, particularly small business, at a time when we need to strengthen all businesses and improve the economy.

The Maui Chamber of Commerce is the business champion and advocate for businesses on Maui, representing over 900 members, 88% of which are small businesses with fewer than 25 employees, that collectively employ approximately 21,000 people. Our mission is to advance and promote a healthy economic environment for business, advocating for responsive government and quality education, while preserving Maui's unique community characteristics.

We, along with businesses throughout the state, ask to you hold this bill. There is no compelling reason to change a system that works, take away an employees right to a secret ballot vote, and provide provisions for government intervention in businesses. Such actions will unfairly tip the scales and injure many businesses.

Every business in Hawaii counts and each needs your support now! Please understand their plight, help, and hold SB 1621, SD 2, HD1.

Sincerely,

Pamela Tumpap
President

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

April 3, 2009

Representative Marcus Oshiro, Chair
Committee on Finance
State Capitol, Room 308
Honolulu, HI 96813

RE: SB1621, HD1 "Relating to Collective Bargaining"

Dear Chair Oshiro and Members of the Committee on Finance:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii strongly opposes SB1621, HD1, "Relating to Collective Bargaining". We continue to oppose this bill because it denies the employees' right to a secret ballot and is tilted in favor of union certification (the card check provision).

While some of the objectionable provisions have been deleted in HD1, there are still objectionable provisions such as the provision for binding arbitration. The bill would mandate that arbitrators can dictate wages and benefits under a union contract and deprive workers the chance to vote on the terms of the contract.

BIA-Hawaii continues to strongly oppose SB1621, HD1. We request that the bill be held.

Thank you for the opportunity to share our views with you.



Chief Executive Officer
BIA-Hawaii

Testimony in STRONG OPPOSITION to SB 1621, SD2 HD1

RELATING TO COLLECTIVE BARGAINING
Presented to the House Committee on Finance

at the public hearing to be held 3:00 p.m. Friday, April 3, 2009
in Conference Room 308
Hawaii State Capitol

Testimony submitted by the David H. Rolf for
The Hawaii Automobile Dealers Association
Hawaii's franchised new car dealers

Chair Oshiro and members of the committee:

Because a measure like SB 1621, SD2 HD1 would RESULT IN INCREASED UNEMPLOYMENT FOR HAWAII, we respectfully oppose the measure.

Economist Anne Lyne-Farrar of the economic-consulting firm LECG predicts "that a 3% point gain in union membership would lead to a 1% point increase in the nation's unemployment rate," as quoted in the Wall Street Journal in its Monday, March 2, 2009 edition.

Applying these numbers to the Hawaii unemployment figures, Hawaii too would likely see a 1% climb in unemployment with a 3% increase in union membership.

When Hawaii reaches the 7% level – a vortex, of sorts, develops, pulling retail sales down and in with its gripping power. Soon...it's 8.5%. Then...10%. Hawaii could see as many as 60,000 people out of work if the state were to reach double-digit unemployment...with almost 12,000 of those newly jobless likely attributed to actions fostered by this bill.

Hawaii cannot afford such joblessness. This bill would be at the headwaters of the cause of such massive unemployment.

Last March (2008), when Hawaii unemployment was at 4% HADA predicted that in March (2009) that newspaper stories would be carrying news of 7% unemployment. On Friday, March 20, 2009, the Honolulu Advertiser reported a UHERO projection for 7% unemployment. Just as we had predicted.

Today, we tell you with certainty, that if bills like the Card Check and the Successor Employer measures are passed in Hawaii that unemployment will hit 10% in 2010. **DOUBLE-DIGIT UNEMPLOYMENT.**

That's 10% of the workforce unemployed in '10! Almost EVERY retail business in Hawaii would lose money with unemployment at 10%.

The number of jobless in Hawaii would climb to a devastating 60,000 in 2010.

HADA testimony in opposition to SB1621, SD2, HD1, page 2

RUINING THE VIABILITY OF THE EMPLOYERS IN THE MARKETPLACE IS THE SUREST WAY TO INCREASE JOBLESSNESS.

Thus, this bill and others like it, achieve the opposite of its intent.

INSTEAD OF SAVING JOBS.....THIS BILL LOSES JOBS.

Further, there are GRAVE concerns about this bill's proposed dilution of the right to a secret ballot. The secret ballot is a sacred right in matters where force and coercion can be exerted on workers.

The Farm Bureau has offered some of the best insights into the derogation of business efficiencies caused by a measure like this. Farms and other businesses today must operate with MAXIMUM FLEXIBILITY in the workforce.

We respectfully request you work to REDUCE joblessness. We ask that legislative efforts this year be focused on IMPROVING business efficiencies.

Dire consequences to Hawaii's economy would be the result of card check legislation and the ensuing increase in joblessness caused by the failure of businesses.

Respectfully submitted,
The Hawaii Automobile Dealers Association

David H. Rolf
1100 Alakea St. Suite 2601, Honolulu, Hawaii 96813 Tel: 808 593-0031 Cel: 808 223-6015

Supplemental testimony:

**Dare to dream
...about when this will all be over.**

A Honolulu publisher being told that dealers think this will not be a U-shaped recovery but an L-shaped one, said "Oh yeah, what font?"

With everyone's attention on the recession lately, some now are starting to look for the recovery. The National Bureau of Economic Research (NBER) has now declared this recession official; it started December 2007.

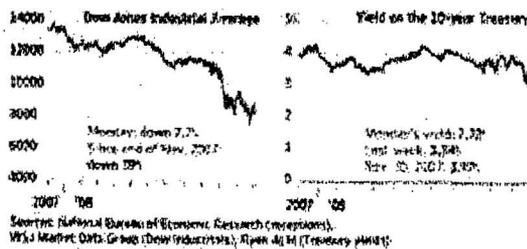
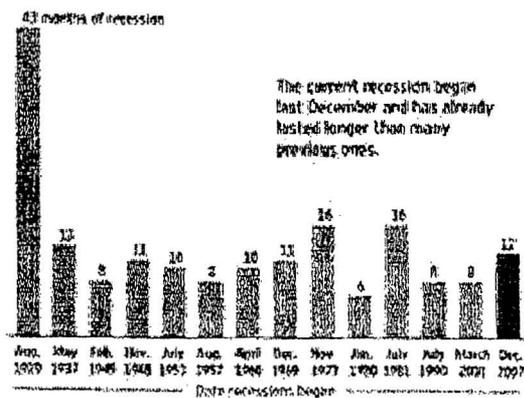
Auto dealers know recessions don't last forever. In fact, the dozen recessions in America since the Great Depression have lasted on average 10.4 months. But the nation is already into this one deeper—16 months--as of April, and counting.

The two national recessions that Hawaii auto dealers most recall are 1973 and 1981—both 16 months in duration. Dealers like Joe Nicolai recall that the 1973 recession was precipitated by troubles in Iran and the subsequent Arab oil embargo. Soon, there followed a 400% increase in American gas prices and gas rationing.

The 1981-82 recession was exacerbated by the collapse of the then loosely-regulated savings and loan industry. Dealers like Damien Farias recall the 21% interest rates. His dealership on Maui was only 6 years old at the time.

This time, all longtime dealers agree: this recession is worse than both of those.

Bad Times | This recession has lasted a year—so far



Note: This current recession has lasted 12 months as of Dec. '08/ but now in its 16th month.

Indeed, this recession has become a perfect storm, colliding international financial institution melt-downs with sky-high gas prices. Hawaii caught the "car sales cold" first in the nation, when vehicle sales plummeted as gas prices hit \$4 a gallon on Maui in March of last year. But the real Hawaii headaches and fever didn't hit until five months later—when the downturn in new car sales was significant.

This year the cold has taken a turn for the worse and may be even considered a full-blown flu.

So, when will the fever break? When will the bottom be reached?

One would note that if recovery begins this July (about 19 months duration) then, this recession will be the longest on record since the '30's. If it doesn't bottom until late 2009 or early 2010, then this recession will be a double whammy (about 24-27 months in duration)—and would be more than twice the duration of the average recession— becoming almost like back-to-back recessions and making this one the longest since the Great Depression which lasted 43 months from 1929-33.

Certainly public policy, both national and local, will have a lot to do with recovery sooner rather than later.

On the plus side, the American Recovery and Reinvestment Act of 2009 and other federal programs will provide a cash influx for state safety net funding, state road-building funds, an excise tax deduction for consumers' federal returns (for state and local tax paid on a new car purchase), strapped homeowners relief on monthly payments, and more.

Thankfully, things are different today than during the Great Depression-- when half the banks in America collapsed. Also, back then, the absence of a program like the FDIC caused the disappearance of wealth. Today, the fed has moved to insure funds in federally insured institutions up to \$250,000, easing the worries of most consumers.

Still, consumer confidence remains low and the old economic formula of Economy (E) equals Money (M) times Velocity (V) seems frozen up. The fed has provided plenty of money supply but the rate of spending has dried up because the credit lending has not loosened up for businesses or consumers.

The Recovery Act is the plus side of the recovery equation, but there is a downside playing out in several potential local public policy-making decisions during this legislative session which could disconnect the recovery for businesses.

Perhaps even more disconcerting for businesses in general is the proposal in play this session to allow unions to form in some companies without a secret ballot, just through the union organizers obtaining employee signatures on cards--the so-called card check bills (SB1621/HB952). And the proposals to retain inefficiencies in business workforces found in SB 688 and SB1622.

HADA testified that a study of the Canadian experience with card check in the '70's showed that a 3% point increase in union membership would result in a 1%

increase in joblessness. If union membership in Hawaii jumped from its current 24%, the second highest in the country, up to 30%, the level currently in Canada, Hawaii unemployment would jump by 13,000 –skyrocketing to 8.5%.

This would severely delay the recovery in Hawaii.

For better or worse the answer to the recovery (and when?) is largely dependent on public policy. Successor Employer bills (called the Guaranteed Bankruptcy Bills) and Card Check bills will cause joblessness....not prevent it.

Those who dare to dream about when this will all be over-- dare to work to bring business and elected officials together – sooner, rather than later.

HOUSE OF REPRESENTATIVES
25th LEGISLATURE
REGULAR SESSION of 2009

COMMITTEE ON FINANCE
Representative Marcus Oshiro, Chair

4/3/09
3:00 PM – Room 306

SB 1621, SD2, HD1
Relating to Collective Bargaining

Chair Oshiro and members of this Committee, my name is Max Sword, here on behalf of Outrigger Hotels, to offer our opposition to this bill.

What makes this great country the greatest in the world is the freedoms that it's citizens have. We have the freedom of free speech, freedom to travel anywhere with out papers and of course the freedom of choice.

The freedom of making a choice thru a secret ballot is also the hallmark of the union organizing process, because it provides the best safeguards against abuse. Both from the employer and the union attempting to organize.

The current process allows employees to pause and carefully consider the arguments from both side, consider their choices and then make a decision thru a secret ballot.

This bill would deny employees of that opportunity for a freedom of choice. This bill would allow the unions to approach an employee to sign a card, even if they do not understand what it means and the union can use it to get certification. There is no procedure to show that the union broke the rules in getting authorizations. The employee could be threatened or bribed to sign because there is no procedure to challenge it.

Finally, where currently the employees have the freedom to decide whether they like what the union has negotiated for them or not, this measure takes that choice away by allowing a third party decide what is best for them.

Outrigger Hotels is primarily a non-union company, but we are not anti-union. We are pro-employee. This bill will put the employee in the middle of a situation that they don't need to be in. The current process protects employees, this bill does not.

We urge you to hold this bill and mahalo for allowing us to testify.



The Voice of Small Business®

Before the House Committee on Finance

DATE: April 3, 2009

TIME: 3:00 p.m.

PLACE: Conference Room 308

Re: SB 1621 SD2 HD1 Relating to Collective Bargaining Testimony of Melissa Pavlicek for NFIB Hawaii

Thank you for the opportunity to testify. On behalf of the business owners who make up the membership of the National Federation of Independent Business in Hawaii, we ask that you reject SB1621 SD2 HD1. NFIB opposes this measure in its current form.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

More and more, employers are being forced to recognize labor unions without first holding a private-ballot employee election -- the election process that is guaranteed in law and administered by the National Labor Relations Board. To prevent intimidation or harassment, the law establishes that neither a union nor an employer may coerce, harass or restrain employees in exercising their right to choose whether or not to support the union. Each employee's choice is made in the privacy of a voting booth, with neither the employer nor the union knowing how any individual voted. We believe that a secret ballot process is essential to ensure a process that is fair to both employers and employees.

We respectfully ask that you do not advance this measure.

Testimony of Rick Masters, Special Counsel for Interstate Compacts
The Council of State Governments

RE: SB 109, SD2, HD2 - Interstate Compact for Juveniles

Before the Hawaii House Committee on Finance

April 3, 2009 @ 2:00 p.m.

Honorable Chair and Members of the Committee, I am Rick Masters, Special Counsel for Interstate Compacts for the Council of State Governments and I am also Interim Counsel to the newly created Interstate Commission for Juveniles. I hold a J.D. from the Brandeis School of Law of the University of Louisville and I am licensed to practice law in the Commonwealth of Kentucky as well as both of its U.S. District Courts, I am also admitted to practice before the U.S. Courts of Appeals for the 4th and 6th Circuits as well as the District of Columbia Circuit and the United States Supreme Court.

I was formerly an Assistant Attorney General for the Commonwealth of Kentucky and I am a former General Counsel for the Council of State Governments and have continued to serve as Special Counsel for Interstate Compacts for the last ten (10) years.

I have acted as the primary drafter of a number of national compacts including the Interstate Compact for Adult Offender Supervision, which has been adopted by all 50 states, D.C., Puerto Rico, and the U.S. Virgin Islands and the Interstate Compact for the Placement of Children, Interstate Compact on Educational Opportunity for Military Children, and the Interstate Compact for Juveniles which is the subject of SB 109

I have also provided legal advice to a number of existing compact commissions and have litigated court cases concerning disputes in which interstate compact provisions have been at issue in a number of U.S. District Courts and U.S. Courts of Appeals. In addition I was a co-author of a book on the subject of interstate compacts published by the American Bar Association in 2007 containing the largest compilation of legal authorities and case citations ever printed on the subject.

This project is a **joint effort by the Council of State Governments and the U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention** to address deficiencies documented in the current Interstate Compact for Juveniles of which Hawaii is a member to provide greater accountability for juvenile criminal offenders and other juveniles who are under supervision, treatment, or who have runaway from their state of residence.

To give input into the drafting process **stakeholders involved in juvenile justice in this country served as an advisory group which directed the work of the drafting team. These groups included The National Council of Juvenile and Family Court Judges, The National Center for Juvenile Justice, The Council of Juvenile Corrections, The National Juvenile Detention Association, The National Center for Victims of Crime, and The National District Attorneys Association.**

The new compact became effective upon the enactment of at least thirty-six (36) states. Since January of this year seven (7) additional states have introduced the bill including Alaska, Hawaii, Nebraska, Michigan, Massachusetts, Mississippi and Oregon. California, and Ohio are actively considering the legislation.

Interstate compacts are a time tested and court tested means of resolving interstate problems which are authorized under Article I, Section 10, Clause 3 of the U.S. Constitution. In our country's 220 year history some 200 compacts have been adopted of which Hawaii is a member of at least 15 interstate compacts.

Interstate compacts have been used for three primary purposes: 1) Boundary disputes between states' 2) Management of environmental resources 3) regulatory compacts which apply to a wide variety of multi-state problems including transportation, insurance regulation, taxation, interstate placement of foster and adopted children, criminal justice and corrections matters such as the transfer of adult offenders across state lines and education.

Compacts allow the states to exercise collective control over matters which are traditionally regulated by the states without surrendering state control to the federal government. Interstate compacts allow the states to avoid the problem of 'fifty (50) different sets of rules' with which to solve interstate problems through a uniform approach while still subject to joint state authority.

This Compact seeks to remedy the problems with the current compact by adding provisions for meaningful enforcement, administration, finances, communications, data collection and exchange, and training.

Hawaii's participation in the new compact is important for the proper accountability and care of the juveniles transferred across state lines in order to promote both public safety and proper supervision and treatment of these youth. ***In addition since thirty-six other states have now adopted the new compact and the new governing commission is revising the administrative rules regarding transfer, Hawaii will not be able to transfer youth to these 36 states, plus any additional states which join the compact this year. Even more importantly, without adopting the new compact Hawaii will lose jurisdiction over the juveniles who would otherwise be required to seek permission before transferring into Hawaii and who may relocate in Hawaii without notice or supervision. Thus public safety could be seriously undermined with regard to a potentially dangerous juvenile offender of whom Hawaii may not be aware is in the State if the new compact is not adopted.***

In summary, the new Interstate Compact for Juveniles will provide a better framework for the protection of public safety, the welfare of juveniles, and the protection of victims within the states through the improved control and regulation of the interstate movement of juveniles.

Thank you for the opportunity to address the Committee about this important public policy matter and I will be happy to respond to any questions.



Chair, Representative Marcus Oshiro
Vice-chair, Representative Marilyn Lee
Committee: Finance
From: Society for Human Resource Management (SHRM) Hawaii
(808) 523-3695 or e-mail: shrmhawaii@hawaii.biz.rr.com
Testimony date: Friday, April 3, 2009

Strongly Oppose SB 1621 SD2 HD1 Relating to Collective Bargaining

SHRM Hawaii is the local chapter of a National professional organization of Human Resource professionals. Our 1,200+ Hawaii membership includes those from small and large companies, local, mainland or internationally owned - tasked with meeting the needs of employees and employers in a balanced manner, and ensuring compliance with laws affecting the workplace. We (HR Professionals) are the people that implement the legislation you pass, on a day-to-day front line level.

SHRM Hawaii strongly opposes SB1621 SD2 HD1. The two-step process for union certification is vital for employees. Secret ballot voting protects employees against retaliation from those who disagree with their position on unionization. "Coercion" and "Intimidation" are charges made against both union organizers and business owners – secret ballot is the only way to ensure coercive and intimidating tactics are neutralized, and employees' choices are protected.

Elimination of the two-step process would:

- Take away the additional time needed for employees to ask questions of multiple sources, consider the options, and make an informed choice.
- Encourage coercion and/or intimidation by those who are for and/or against union representation.

Because elimination of the secret ballot portion of the two-step certification process holds nothing redeeming for employees, SHRM Hawaii respectfully urges the committee to kill SB1621 SD2 HD1 to protect an employee's right to choose union or non-union with the protection of their identity.

Thank you for the opportunity to testify. SHRM Hawaii offers the assistance of its Legislative Committee members in discussing this matter further.

**KAUAI***Chamber
of
Commerce*

April 2, 2009

To: Fax: 1-808-586-6200

**Honorable Marcus Oshiro, Chair, House Finance Committee
Testimony for Hearing on Friday, April 3, 2009, 3:00 p.m., room 309**

Rep. Marilyn Lee, Vice Chair and members Henry J. C. Aquino, Karen Awana, Tom Brower, Isaac Choy, Denny Coffman, Sharon E. Har, Gilbert Keith-Agaran, Chris Lee, Scott Nishimoto, Roland Sagum III, James Kunanae Tokikoka, Jessica Wooley, Kyle T. Yamashita, Kymberty Marcos Pine and Gene Ward

RE: Senate Bill 1621 SD2 HD1 Relating to Collective Bargaining

My name is Randall Francisco and I am President of the Kauai Chamber of Commerce which represents 460 Kauai business members and consists of approximately 87% small businesses who reflect the rural character of Kauai's business community. Of the chamber's membership, approximately 8000 individuals are employees who are from the construction and tourism sectors to agriculture, retail and defense industries to name a few.

On behalf of the Kauai Chamber of Commerce, I am writing to express the member's opposition of this bill. We are in agreement/alignment with The Chamber of Commerce of Hawaii's testimony also in opposition of the bill. The Kauai Chamber of Commerce agrees with the Chamber of Commerce analysis of which I will not restate.

Should I be of any assistance, please do not hesitate to contact me directly at 245-7363 or email at randall@kauaichamber.org. Aloha.

Sincerely yours,

Randall Francisco
President

The mission of the Kauai Chamber of Commerce founded in 1913 is:

"To promote, develop and improve commerce, quality growth, and economic stability in the County of Kauai"

HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

Affiliated with the International Brotherhood of Teamsters

1817 Hart Street
Honolulu, Hawaii 96819-3205

Telephone: (808) 847-6633
Fax: (808) 842-4575

Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice-Chair
Committee on Finance

Glenn Ida
Representative
Friday, Apr. 3, 2009, 3 PM
Conference Room 308

Support of SB 1621, SD2, HD1, Relating to Collective Bargaining.

The Hawaii Teamsters Local 996 believes that SB 1621, SD2, HD1, will even the playing field and removes some of the barriers that currently exists in a corporate dominated economic environment in gaining union representation for working people through Card Check.

SB 1621, SD2, HD1, also guarantees a first contract by putting negotiations on a schedule that may lead to mediation and then to binding arbitration if necessary to reach an arbitrated settlement good for up to two years and allows Union activities at the entrance or exit of the establishment of the organizing campaign.

The employer/employee relationship is established a lot longer than the time they spend in a Union organizing campaign. The workers have tried to work out labor matters with the management and when they feel that they are not making any progress to resolve issues, is when they will turn to the Union for help. Happy workers who are treated fairly and feel that the relationship between the company and them are working fine won't call the Union, it's the workers who have tried to work things out on their own over time and are now frustrated and angry with the way they are being treated that ultimately contact us to organize them.

The Hawaii Teamsters Local 996 strongly supports SB 1621, SD2, HD1, Relating to Collective Bargaining.

Thank you for allowing me to testify on this important matter.

UNIVERSAL CONSTRUCTION, INC.

1038 PU'UWAI STREET
HONOLULU, HAWAII 96819

Phone: (808) 845-3986 Fax: (808) 842-3881



April 2, 2009

Honorable Marcus Oshiro, Chair
Committee on Finance
State Capitol, Room 308
Honolulu, HI 96813

Re: SB1621, SD2 "Relating to Collective Bargaining"

Chair Oshiro and Members of the Committee on Finance:

We are Dean Asahina, President and Gene Asahina, Secretary/Treasurer of Universal Construction, Inc. We are members of both BIA-Hawaii and the General Contractors Association of Hawaii and we oppose SB1621, SD2, HD1 "Relating to Collective Bargaining". This bill will place an increased burden on businesses at a time when they can least afford it while giving unions unfair and extraordinary powers and rights.

We ask that this bill be held. It is bad for business and ultimately the consumers in this state.

Thank you for the opportunity to testify on this matter.

Very truly yours,

UNIVERSAL CONSTRUCTION, INC.

Dean I. Asahina
President

Gene T. Asahina, AIA
Secretary/Treasurer

DA/gta

Post-it® Fax Note	7671	Date	4/2/09	# of pages	1
To	MARCUS OSHIRO	From	ASAHINA		
Co./Dept	COM. ON FINANCE	Co./Dept	UNIVERSAL CONST. INC.		
Phone #		Phone #	845-3986		
Fax #	586-6001	Fax #	842-3881		



Hawaii Farm Bureau
FEDERATION

2343 Rose Street, Honolulu, HI 96819
PH: (808)848-2074; Fax: (808) 848-1921

TESTIMONY

House Finance Committee

RE: SB1621, SD2, HD1, Relating to Collective Bargaining

Chair Oshiro and Members of the Committee:

The Hawaii Farm Bureau Federation, on behalf of our commercial farm and ranch families and organizations, **is in opposition** to SB1621, SD2, HD1, streamlining the union certification process.

We recognize the role Unions have played in Hawaii and their support of agriculture. At the same time, the world is changing. Agriculture is changing – the industry is in transition with diversity being the common element across the State. It is very difficult from the mono-crop systems that the Union has been accustomed to. Even the seed companies that may approach the size of what used to be our smaller sugarcane companies must be highly flexible at this time. Technologies are changing rapidly and the people working in the area must be able to have maximum adaptability to do different tasks at different times in different ways and can't be caught in a routine as has been characteristic of traditional unions.

What agriculture and everyone needs is workforce development. It is assistance in training a workforce that can meet business needs. This must be followed by the ability to continually train workers who have skills to meet the ever changing work environment and regulatory needs. We have approached the Union about this need and are willing to be the test case in the process. However, the condition is the traditional union is not part of the agreement.

We believe the leadership of the Unions can play a major role in changing the way labor relations occur in Hawaii. The economy dictates that change is inevitable. Everyone must be part of the change. We also recognize that what we are suggesting is difficult but all of us in the business world are making difficult decisions. None of us is expecting to continue as we did in years past.

Agriculture is at a very serious crossroad. Our future is in question. We respectfully request the Committee to understand the industry's needs and oppose this measure while encouraging an evolution in Labor in Hawaii. We appreciate this opportunity to provide our opinion on this important matter.

Thank you for this opportunity to provide testimony on this measure.

Testimony to the House Committee on Finance

Friday, April 3, 2009

3:00 p.m.

State Capitol - Conference Room 308

AGENDA #2

RE: SENATE BILL NO. 1621 SD2 HD1 RELATING TO LABOR

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

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's strong opposition to Senate Bill No. 1621 SD2 HD1, relating to Collective Bargaining. This measure will hurt Hawaii's fledgling agricultural industry and small businesses at a time when Hawaii strives to become more sustainable.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

SB 1621 proposes the following:

- **Essentially, eliminates secret ballot elections**
- **Allows trespass on private property**
- **Imposes penalties for labor law violations on employers but not unions**
- **Mandates binding arbitration for two years**

This bill is also known as the "card check" bill. The Chamber opposes SB 1621 based on the following arguments:

Existing law protects a workers' right to a private ballot

Under current law, the decision of whether or not to form a union is usually left to the workers — through a secret ballot election. That means that workers can choose — in private — whether they want to join a union.

Workers sign a card indicating interest in an election. The union and the employer then have an opportunity to state their case before workers vote in a supervised private-ballot election without the interference of both the employer and union. If the union wins more than 50% of the votes, they are certified and collective bargaining commences.

In fact, a national poll showed that 88% of union workers feel that the process should remain private compared to 8%. Also, 85% of union households favor having a federally supervised election as a means to "protect the individual rights of workers."

The Card Check system will effectively remove the employee's right to vote in private and would cause the following:

- Card check recognition would effectively **disenfranchise employees who oppose unionization**. Under Card Check, union organizers do not have to tell all workers they are forming a union, so once 50% of the authorization cards are signed, it's over.
- Under Card Check, paid union organizers or co-workers could **unfairly pressure** or intimidate workers to **publicly** sign a card stating that they support the union.
- This provision would allow organizing to be conducted in **secret** because the employer or employees may not be aware of an organizing campaign was underway.
- It would **hinder or even eliminate** an employer's ability to tell its side of the story and correct misleading union rhetoric.
- If supporters of this bill are really concerned about harassment by employers, it makes little sense to eliminate secret ballot elections and support card check as an organizing procedure that would force employees to make their decision **publicly**.
- Courts have repeatedly recognized that card check is inherently **less reliable** than traditional election processes for determining whether employees wish to have union representation.
- The proposed legislation offers **no safeguards** for collateral investigation into signature authenticity, fraud, revocation and coercion.
- There is little if any evidence to suggest that the current framework is broken to begin with. The Canadian model on which this kind of legislation is based has been a failure in its own country. In response, a majority of Canadian provinces have shifted back to a secret ballot model over the past twenty years. Half of the Provinces that retain card check require a supermajority of cards prior to certification.
- **Bottom line:** Only the employee knows what occurs inside the voting booth. They should be allowed to make the final decision in private as it's all about the worker, not the employer or union.

Binding arbitration is not an incentive for management and labor to bargain productively and will result in job loss

Just as volatile to the economy, the Card Check bill includes a "binding arbitration" provision that mandates arbitrators to dictate wages and benefits under a union contract. This expansion of government power is almost like reestablishing wage and price controls in our economy, and could put many employers out of business. We cannot afford this type of legislation, especially as Hawaii weathers this economic storm.

- A forced contract under binding arbitration may leave everyone worse off, because both the employer and employee could be stuck with a result they don't like.
- Workers would be prohibited from voting on terms of their new employment contract for a full two years.
- Forced arbitration is no incentive for either side to bargain effectively because if one party does not like the direction, it could simply hold off and wait for a more favorable outcome from the arbitration board.
- This provision would completely overturn the longstanding principle that the parties are obligated to bargain in good faith, but are not compelled to agree to terms they believe will put them in jeopardy.
- This represents the first occasion in peace-time history that our State government would convey authority to a third party to essentially decide what a private sector employer must provide in terms of wages and benefits, free from the checks and balances of unit ratification.
- There is a dearth of any legislative guidance pertaining to the proposed arbitration process, the method for choosing an appropriate arbitrator, and the manner for challenging any rendered decision.
- The provision that requires the Federal Mediation and Conciliation Service (FMCS) to order anyone to arbitration is probably unenforceable. We do not believe the State has the power to order a federal agency to act in any manner.
- The arbitrary deadline for imposing interest arbitration is unreasonable in light of numerous surveys establishing the average length of first-contract negotiations.

Imposing penalties on employers only is unfair

Another provision in this bill would significantly increase penalties on employers for certain violations of labor laws.

- This provision is unfair as it does not impose any penalties on the unions for labor law violations as well. Essentially, coercion by labor organizations would not be penalized.

Allowing trespass on private property is not fair

The measure provides a right for persons to take part in union organizing activities, including on private property.

Card Check is not the solution to improving the working class

Some proponents of the bill claim that labor unions play a vital role in the creation of a middle class. However, a national study indicated that states with the heaviest union presence are not as well off as those without. States with high union density have slower growth in GDP and more

than a full percentage point higher unemployment, significantly higher costs of living, higher taxes and lower home ownership rates.

In summary

This is a time when local establishments need the flexibility with their business plans to adjust to the current economic climate. This measure will be counter-productive in the effort to stay afloat and save jobs.

Furthermore, at a time when the state is trying to become more self-sufficient for food and produce this legislation is counter productive. Moreover, more of us are shopping at discount stores and cutting coupons due to the rising costs. There has been a 7.5 percent jump in the price of food consumed at home over the past 12 months. Prices for all foods and beverages are up an average of 5.9 percent. (Oct. 3, 2008 Gannett News Service).

The simple fact is that unionization would increase the cost of locally produced food, impair the growth and survival of Hawaii's shrinking agricultural industry and block new efforts to grow food locally.¹

After decades of decline, unions have now turned to the Legislature to help them recover what is the natural progression of progressive management.

The pending Legislation will impose fast track unionization on all Hawaii agricultural operations and very small businesses² and non-profits not subject to the National Labor Relations Act, as well as submit their business assets and operational procedures to the dictates of a government appointed arbitrator. That is not right nor fair, and we ask that in these difficult economic times further costs not be imposed on Hawaii's businesses, particularly those affected by the proposed legislation. .

It is simply the wrong time for such legislation to be imposed on Hawaii. It would be wiser to await legislation on the federal level to evolve so that Hawaii's system would at least resemble the process used on the national level and benefit from the greater time and effort and developing a workable model that protects the rights of workers and employers alike.

¹ Unionization can affect cost of production through increases in compensation, through shifts in technologies, and through deviations from the least-cost combination of inputs. Working Paper 8701 "Unionization And Cost Of Production: Compensation, Productivity, And Factor-Use Effects by Randall W. Eberts and Joe A. Stone, (Working papers of the Federal Reserve Bank of Cleveland January 1987). Union work rules and employment restrictions have the primary effect of distortions from the least-cost combination of inputs, or in other words, labor unions increase firms' costs of equity by decreasing their operating flexibility. "Labor Unions, Operating Flexibility, and the Cost of Equity", Huafeng (Jason) Chen, Marcin Kacperczyk, and Hernán Ortiz-Molina (May 2008).

² The NLRB's current jurisdictional limit for retailers is \$500,000.00. Hawaii's law is going to affect a large number of small businesses.

Thus, The Chamber respectfully requests SB 1621 SD1 be held. Thank you for the opportunity to testify.



Kona Transportation
Company Incorporated
Established - 1939

74-5039A Queen Kaahumanu Highway
Kailua-Kona, HI 96740
Telephone (808) 329-4111
Facsimile (808) 329-5546

General Hauling
Container Service
Moving and Storage

Albert Shiotsuka
73-1282 Ona Ona Dr.
Kailua-Kona HI 96740

Testimony to the House Finance Committee
April 3, 2009
3:00 PM
Room 308

Re: SB1621 SD2 HD1 – Relating to Collective Bargaining

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

My name is Albert Shiotsuka, President of Kona Transportation Company. 74-5039 Queen Kaahumanu Hwy. Kailua-Kona, HI 96740

Kona Trans is the largest trucking company on the Big Island. Five years ago our company was organized by the Operating Engineers. During the organizing campaign, I was introduced to the reality of how unfair the process of organizing was for the employer. The union was successful in organizing our company. One year and one day later, the employees our company voted to de-certify and today we thrive as a 70 year old non-union company. In my 35 years of managing the company, the organizing and de-certifying has been the most challenging. Please, do not pass SB1621 SD2 HD1. It will make it very difficult for small businesses to operate and also Hawaii will be a very expensive place to live.

I respectfully request that you hold SB1621 SD2 HD1

Thank you for considering my viewpoints.



House of Representatives
The Twenty-Fifth Legislature
Regular Session of 2009

Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Friday, April 3, 2009 at 3:00 p.m.
Conference Room 308, State Capitol

Re: S.B. 1621 SD2, HD1 - Relating to Collective Bargaining

The Screen Actors Guild Hawaii Branch ***strongly supports*** the purpose and intent of S.B. 1621 SD2, HD1 and the proposed amendments to Chapter 377, HRS (The Hawaii Employment Relations Act). Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize.

According to Kate Bronfenbrenner from Cornell University, "employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds." Undeniably, employees are fearful of losing their jobs and therefore, vote no when the election finally occurs. This type of coercion needs to stop, and the employee free choice act can help prevent these horrible tactics from occurring.

Furthermore, opponents contend the employee free choice act would take away the sanctity of the secret ballot and as a result oppose the bill. However, opponents should try and compare a union election to a political election. In a political election, candidates have equal access to the voters, whereas in a union election, the employers have access to the employees while the union does not. This is not fair and an unfair disadvantage to unions.

In addition, the suggested additions to Chapter 377, HRS will prevent efforts by employers to stall negotiations indefinitely. The parties are required to make every reasonable effort to conclude and sign a collective bargaining agreement. If the parties are not successful after ninety days of negotiations, either party can request conciliation through the Hawaii Labor Relations Board. This will help thwart the numerous delays that employers use.

It is time to give the working class a break. The economy is nearing depression levels, unemployment numbers are up and each month more and more of our working class struggle to stay in their homes. Meanwhile, CEO's, executives, and others continue to receive multi-million dollar bonuses while the working class is laid off and or their pay and benefits continue to decline. It is time to pass the employee free choice act and level the playing field. It is the working class that will revitalize our economy and get us out of the economic crisis we are currently in. Passage of the employee free choice act is a step in the right direction.

Thank you for the opportunity to testify in support of S.B.1621 SD2, HD1.

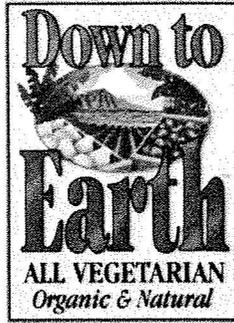
Glenn Cannon, President
Brenda Ching, Executive Director

SCREEN ACTORS GUILD

949 KAPIOLANI BLVD., SUITE 105, HONOLULU, HI 96814 ★ Tel. 808.596.0388 ★ Fax 800.305.8146

www.sag.org

Branch of Associated Actors and Artistes of America / AFL-CIO • Affiliate of International Federation of Actors



Love Life!

Testimony:

Card Check - SB1621 SD2 HD1

Date: Friday March 3, 2009

Time: 3 PM

Place: House Conference Room 308

Testifier: Mark Fergusson, CEO
Down to Earth All VEGETARIAN Organic & Natural
To: HOUSE COMMITTEE ON FINANCE
Committee Chair Marcus R. Oshiro
Vice Chair Marilyn B. Lee
Date: Thursday, March 2, 2009
Re: Testimony in Opposition to SB1621 SD2 HD1

I am writing on behalf of Down to Earth ALL VEGETARIAN Organic and Natural to urge you to vote against the Union Card Check Bill - SB1621 SD2 HD1. If enacted into law, this bill would enable a union to become the bargaining representative of workers when it merely obtains authorization cards from a majority of unit employees, without a secret ballot election.

Such a process makes it possible for unions to gain support by forcing workers to sign authorization cards through the use of peer pressure or other coercive methods. Given labor union's history of using pressure tactics, such a move by the state of Hawaii would be undemocratic. The secret ballot election procedure facilitates a vote that reflects the true desires of employees. Without it, government risks disenfranchising the rights and interests of citizens of our state.

Currently, state law allows employers to request a secret ballot election even when a union has presented the employer with authorization cards from a majority of employees. This is the correct and truly democratic procedure and it should be upheld.

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. Employees deserve the chance to make this important decision in private with a secret ballot.

Testimony: SB1621 SD2 HD1 Union Card Check Bill

M. Fergusson, Down to Earth CEO

Page 2 of 2

March 2, 2009

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business. Therefore, employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas. Given the current economy, government should be working with the business community to create jobs, not legislate disincentives.

On behalf of all the team members of Down to Earth ALL VEGETARIAN Organic and Natural, who will benefit through transparent voting procedures, and as an employer of approx. 200 people in the state, I urge you to vote against SB1621 SD2 HD1.

Mahalo,

Mark Fergusson

APR-02-2009 20:50

The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES
Committee on Finance
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

State Capitol, Conference Room 308
Friday, April 3, 2009; 3:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1621, SD2, HD1
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 strongly supports S.B. 1621, SD2, HD1, which: (1) provides a union representation privilege to protect the functions of the union as an exclusive bargaining representative to allow the union to perform its role in negotiations and contract enforcement; (2) allows certification of union representatives through a card-check authorization; (3) requires collective bargaining to begin upon union certification; (4) sets certain deadlines for initial collective bargaining agreement procedures and conciliation of disputes; (5) sets civil penalty for unfair labor practices; (6) extends certain authorities to labor organizations representing employees for collective bargaining; and (6) allows labor disputes to be defenses against prosecution for certain violations of law.

This bill provides for several protections that would benefit unions in general. However, the essence of this bill is the card-check provision or "employee free choice" (Section 4), facilitation of initial collective bargaining agreements, including binding arbitration (Section 2), and penalties up to \$20,000 for each unfair labor practice violation (Section 5). These three provisions will help to level the playing field in the unionizing process where, currently, the employer has the upper hand. Here is why:

1. Employee free choice. With this bill, the employees will decide what process is used to determine if the union has majority support. Current law allows for the card-check process or a secret ballot election, but the employer decides which process to use. This bill will leave that decision squarely in the hands of the workers, as it should be.

The worker's right to join a union is guaranteed by federal and state law and affirmed by the State Constitution. Yet, in most cases, the employer will interfere by bombarding the workers with anti-union propaganda, threats about closing the business, and subtle and not-so-subtle intimidation of employees. Because the employer controls the worker's means of earning a living, the employer has an *inherent advantage* in its persuasion of its employees.

On the other hand, the union has no such coercive power. The union cannot affect a worker's livelihood and cannot retaliate against a worker in any meaningful way. Workers feeling pressured to sign an authorization card because they "can't say no" is hardly on the same level as the intimidation and retaliation workers face against the employer who makes known his desire to keep the workplace non-union. A secret ballot election does NOT ensure democracy when the deck is clearly stacked in the employer's favor.

2. Facilitation of first contract. Reaching agreement on a first contract has been the biggest stumbling block for union representation. While both sides are charged with bargaining in "good faith," employers manage to find ways to stall negotiations and delay a settlement. Lengthy delays tend to weaken the union's ability to maintain majority support.

Pacific Beach Hotel is a good example. While Pacific Beach Hotel would not be subject to the law that would be amended by this bill, it provides a look at the lengths to which employers will avoid unionization. The ILWU began an organizing drive at Pacific Beach Hotel in 2002. After two elections and numerous unfair labor practice charges that were subsequently upheld and became the basis for a National Labor Relations Board trial, Pacific Beach Hotel workers have yet to enjoy the protections of a union contract.

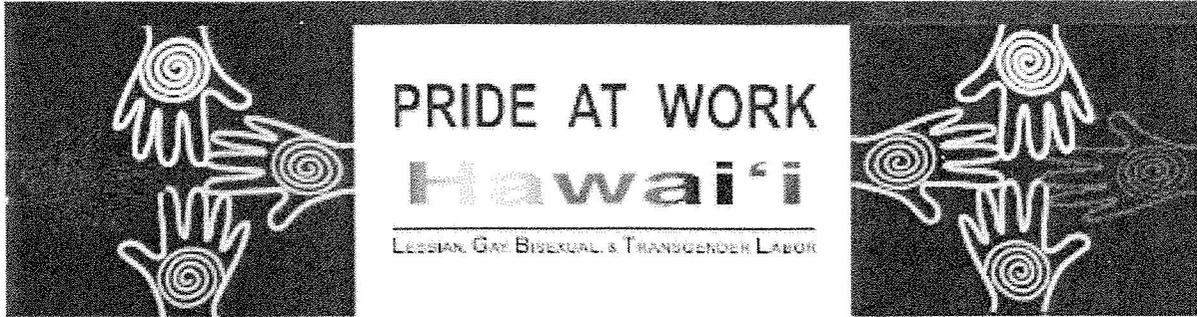
S.B. 1621, SD2, HD1 requires both sides to commence bargaining immediately after certification and, if they are unable to reach agreement, an arbitration panel will decide on contract terms that will be binding for two years. While both sides may not be satisfied with the arbitrated agreement in its entirety, the workers will at least have union representation and a contract to protect them on the job.

3. Penalties for unfair labor practices. One of the reasons that the current system must be corrected is the weak enforcement of the current law, both state and federal. There are no provisions for punitive damages even if an employer is found guilty of egregious violations. The law only requires the worker to be "made whole" if he was wrongfully discharged. This type of "penalty" is clearly insufficient to serve as a deterrent against further violations of the law. S.B. 1621, HD1, SD1 will instead provide for up to \$20,000 in penalties for each violation of the law and make employers think twice before they try to abuse the law.

Unionizing a workplace can actually be good for both the company and the worker by providing stability and structure through a collective bargaining agreement. In addition, unions can be an ally to companies by promoting their business--just as the ILWU itself has done on many occasions.

In addition, fair wages through collective bargaining will help to lift the standard of living overall and allow unionized workers to contribute to the economy. Indeed, Hawaii's agricultural workers, those most likely to benefit from this bill, are the highest paid in the U.S. because many of them have the benefit of union representation and a union contract.

The ILWU urges passage of S.B. 1621, SD2, HD1. Thank you for the opportunity to testify.



PO Box 22416 Honolulu, HI 96822
(808) 543-6054
prideatworkhawaii@hawaiiantel.net
www.hawaflcio.org/PAWHI

April 3, 2009

Hawaii State House of Representatives
Committee on Finance
Chair, Rep. Oshiro
Vice Chair, Rep. Lee

Testimony in favor of S.B. 1621, SD2 HD1 – RELATING TO COLLECTIVE BARGAINING

Pride At Work Hawai'i, whose mission is to advocate for full equality for lesbian, gay, bisexual, and transgender (LGBT) workers in their workplaces and unions, and to build mutual support between the labor movement and the LGBT community, strongly supports S.B. 1621, SD2 HD1. As amended, the bill would promote all workers' rights to organize for the purposes of collective bargaining by providing a more level playing field and protecting workers against employer intimidation. Passage of this bill will help fulfill the promise of the right to organize made in Article XIII of our State Constitution.

Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize. According to Kate Bronfenbrenner from Cornell University, "employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds." Experience proves that there is nothing free and fair about the current system, but this bill will help change that.

Passage of this bill is especially important for lesbian, gay, bisexual, and transgender workers. Nationally, studies have shown that gay workers are typically paid less than their heterosexual peers. A union contract helps to put straight and gay workers on a more even level, as well as provide additional protections against discrimination. LGBT workers are also particularly vulnerable to employer intimidation during organizing efforts. By providing for penalties against abusive employers, this bill will make LGBT workers feel safer and more willing to join unionization campaigns.

In these difficult and uncertain economic times, it is more important than ever to give workers a fair shake if they want to organize themselves into unions. It is working people - LGBT and straight - that will help revitalize our economy and get us out of this economic crisis we are currently in. Passage of the employee free choice act is a step in the right direction.

Thank you for the opportunity to testify in support of S.B. 1621 SD2 HD1. On behalf of all LGBT workers in Hawai'i, we hope you will support this bill as it stands.

Respectfully submitted,
Steve Dinion
President
Pride At Work Hawai'i

Testimony in SUPPORT OF
SB1621 SD2, HD1 Relating to Collective Bargaining
By Al Lardizabal, Director of Government Relations
Laborers' International Union of North America, Local 368

To the Committee on Finance
Friday, April 3, 2009, 3:00 p.m.
Room 308, State Capitol

Chair Marcus R. Oshiro; Vice Chair Marilyn B. Lee and Members of the
Committee:

The Laborers' Union strongly supports this measure protecting the rights of
employees to organize for the purposes of collective bargaining as
recognized under article XIII of the Hawaii State Constitution.

We humbly ask that the rights of Hawaii workers be acknowledged with the
passage of this bill and honor the intent and purpose of the Hawaii State
Constitution with respect to collective bargaining.

Thank you for the opportunity to submit this testimony on behalf of the
thousands of Hawaii workers who have **no voice in their workplace to
choose or not chose an exclusive representative for the purpose of
collective bargaining.**



P.O. Box 4088
Honolulu, HI 96812-4088
Phone: (808) 735-3211
Fax: (808) 735-7416

4/3/09

The Honorable Representative Marcus Oshiro, Chairperson
Committee on Finance
Hawaii State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawaii 96813

RE: **OPPOSITION** TO SB 1621, SD 2, HD 1 RELATING TO COLLECTIVE
BARGAINING—Friday, April 3, 2009, 3:00 PM, Room 308

Dear Chair, Vice Chair, and Committee Members:

My name is Kirt Pruyn, and I am the Manager of Business Development & Community Relations for Hawaiian Dredging Construction Company. Founded in 1902, Hawaiian Dredging is Hawaii's largest and oldest full-service general contractor, currently employing over 700 employees.

WE STRONGLY OPPOSE THIS BILL.

We strongly oppose SB 1621, SD2, HD 1 "Relating to Collective Bargaining" aka the "card check bill" because:

- It is one-sided and gives unions unfair, unreasonable, and extraordinary powers and rights.
- It removes the workers' right to a secret ballot in such union organizing efforts, possibly subjecting them to harassment and intimidation.
- It includes a "binding arbitration" provision that mandates arbitrators to dictate the wages and benefits under a union contract, and then deprives workers of the chance to vote on that contract.
- The costs will significantly outweigh any possible benefits.
- It sets a terrible precedent.

Simply stated, employees should have the right to make such decisions in private, not "in the open."

Mahalo for your time and consideration.

Aloha,

Kirt Pruyn
Manager, Business Development & Community Relations

FINTestimony

From: Joanna Leong [joannaleong@hawaiiantel.net]
Sent: Thursday, April 02, 2009 9:24 PM
To: FINTestimony
Subject: Opposition to SD 1621 SD2 HD1

HOUSE COMMITTEE ON FINANCE
Committee Chair Marcus R. Oshiro
Vice Chair Marilyn B. Lee

Committee Members,

RE: Testimony in opposition to SD 1621 SD2 HD1

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. ALL employees deserve the chance to make this important decision in private with a secret ballot.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Laws regarding property rights should not be permitted to be compromised for any reason by anyone.

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2 HD1 is contrary to basic democratic and constitutional principles and should not be passed.

Sincerely,

Joanna Leong
Wailana Coffee House
Secretary/Treasurer

FINTestimony

From: paul@alohatofu.com
Sent: Friday, April 03, 2009 6:53 AM
To: FINTestimony
Subject: Take Action Now

Paul Uyehara, President
Aloha Tofu Factory, Inc.
961 Akepo Lane
Honolulu, HI 96817-4503

Testimony to the House Committee on Finance April 3, 2009 3:00 p.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple "card check" process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

At a time when we should be focusing on finding ways to revitalize Hawaii's economy, this type of legislation is a hinderance to that goal. Many small businesses are at a precarious point where any more pressure will break them. It is essential that we look at the overall goals that we want to accomplish in order to make the best decision.

For the above reasons, I ask you in the strongest terms that you hold this bill. Thank you for the opportunity to submit written comments.

Fernandez Events

Testimony to the House Committee on Finance
April 3, 2009
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

We respectfully request that you hold SB 1621, SD2 HD1. The measure will increase the likelihood of businesses that will be affected by it not surviving the additional costs, lost productivity, and the bureaucratization of the workplace that comes with the procedures mandated by this measure.

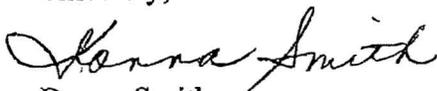
The bill will do away with secret ballot elections in union organizing drives and replace them with a simple 'card check' process that is open to harassment and intimidation. Employees should have the right to make their decision in private.

The measure would also impose binding arbitration on employers and employees if they can't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. Binding arbitration will hurt both employees and employers. Employees would be denied the ability to vote on the pay and benefits, and the employer could be stuck with a contract that is completely incompatible with its cost structure and business model. This would have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations on employers but not on unions.

Our state has been focused on sustainability, but his measure would undermine those efforts. Unionization will increase the cost of locally-produced food and weaken Hawaii's valuable but shrinking agricultural industry. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the reasons stated above, we strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,


Donna Smith
Executive Vice President

LARRY JEFTS
SUGARLAND FARMS
P.O. BOX 27
KUNIA, HI 96770

April 3, 2009

HOUSE COMMITTEE ON FINANCE

TESTIMONY ON SB 1621

Chair Oshiro and committee members:

My name is Larry Jefts, owner/operator of a family farm on the islands of Oahu and Molokai. I am testifying in strong opposition to SB 1652.

Similar to other family farm businesses, my wife and I continuously struggle to be a viable farm operation in Hawaii. Not only do we have to meet the challenges of the natural elements, we also have to compete with the global market place and comply with the on-gong regulatory requirements placed on farmers. Farmers are entrepreneurs and willing to take extraordinary risk that is over and beyond any other industry. Placing additional processes and operational expense will take its toll on our operation.

The viability of our family farm relies on workers. We would not be in business if it were not for the hard work and dedication of our workers. We continue to stay in business not only for ourselves, but also for the hundreds of workers and their families we employ.

Making it easier to unionization does not resolve or address the issue of the overall competitiveness of Hawaii's farmers and businesses who struggle to keep the doors open. The agricultural work force in Hawaii is limited and difficult as we continuously loose workers to the hotel and construction industry. We should be focusing on how we will improve the viability of Hawaii's farmers, protect productive farm lands from being developed, and thus reduce the 90% of our food source from being imported into the state so that we are sustainable.

Protecting the workers right to vote in private is paramount. Subjected our workers to an open "card check" process will create intimidation and fear. Lets truly protect the voting rights of the people by maintaining a secret ballot. Thank you.

Subject Line: Opposition to SD 1621 SD2 HD1

HOUSE COMMITTEE ON FINANCE

Committee Chair Marcus R. Oshiro

Vice Chair Marilyn B. Lee

Committee Members,

RE: Testimony in opposition to SD 1621 SD2 HD1

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. ALL employees deserve the chance to make this important decision in private with a secret ballot.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Laws regarding property rights should not be permitted to be compromised for any reason by anyone.

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2 HD1 is contrary to basic democratic and constitutional principles and should not be passed.

Sincerely,

James Lenhart

VP Sales

Hawaii Coffee Co.

John J. Barnett Ph.D.
Barnett Consulting Group
81-6630 Kekaa Pl
Kealahou, HI 96750

Testimony to the House Finance Committee
April 3, 2009
3:00 p.m.
Room 308

Re: SB1621 SD2 HD1 – Relating to Collective Bargaining

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

My name is «GreetingLine», Barnett Consulting Group, a management & business consulting firm in Hawaii County. My phone number: 808-323-2141 and email address: jbarnett@hawaii.rr.com.

I respectfully request that you hold SB1621 SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

The binding arbitration clause has the potential to hurt both employees and employers. Contracts that are not voted upon by the workforce could result in both sides having to settle for something that is injurious and could result in the shutdown of business.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

«GreetingLine»

Bob Singlehurst
91-920 Farrington Highway
Kapolei, HI 96707-2648

Testimony to the House Committee on Finance
April 3, 2009 3:00 p.m.
Room 308, State Capitol
Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former; they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations – on employers but not unions. Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: jennings@sentientearth.com
ent: Thursday, April 02, 2009 7:05 PM
To: FINTestimony
Subject: Testimony in Opposition to SB1621 SD2 HD1

Dear Politicians,

We, the people are tired of the relentless efforts to remove, regulate and deny our basic freedoms as guaranteed under the Constitution. This bill which would remove the right to a secret ballot is just one more nail in the coffin of life, liberty and the pursuit of happiness. Only if you prefer thugs dictating how business is conducted and believe that the working person is not capable of making informed decisions, will you vote for this. (Unless, of course, you are beholden to the unions because they give you lots of money.) We are watching. Your vote is noticed and will be remembered next election cycle. Choose wisely.

Most sincerely,
Gail Jennings
Pearl City

FINTestimony

From: sharene.urakami@cingular.com
Sent: Thursday, April 02, 2009 9:26 PM
To: FINTestimony
Subject: Take Action Now

Sharene Urakami
500 Kahelu Avenue
Mililani, HI 96789-3938

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Daniel Rogers
91-163 Hanua Street
Kapolei, HI 96707-1796

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

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We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: rawcohi@cs.com
Sent: Wednesday, April 01, 2009 12:14 PM
To: FINTestimony
Subject: SB 1621, SD 2 in room 308 at 1500 on Friday, 3 April 2009

TESTIMONY IN STRONG OPPOSITION TO SB 1621, SD 2 SECTION 4 (e) & (f)

HOUSE COMMITTEE ON FINANCE

Friday, 03 April 2009 in Room 308 at 1500

Chair Oshiro and Respected Members of the Committee;

My name is Reg White. I speak today to ask you to remove Section 4, 377-5 (e) & (f) from this bill. I have been a merchant mariner all of my working life. I have sailed for 28 different companies over the past 59 years. I have belonged to two different maritime unions during that period and I worked for two companies that truly needed a union because of the way they treated their crew, but did not have one. I did my best to help organize those two companies, but never, at any time, did it ever occur to me to deny those people the right to vote in private, without intimidation or fear of retribution. That's an American right, and over the past 250 years many Americans have died to protect that right to vote in private, without intimidation or fear of retribution. That's what democracy is: Freedom of choice! Please do not allow this right to be diluted by a bill like this!

Please remove Section 4, 377-5 (e) & (f)!!

Respectfully,

Reg White
VP, project development
Star of Honolulu Cruises and Events
1540 S. King St
Honolulu, Hawaii 96826-1919
(808) 222-9794
RawcoHI@cs.com

Email message sent from CompuServe - visit us today at <http://www.cs.com>

FINTestimony

From: lindaf@funfactoryinc.com
ent: Thursday, April 02, 2009 3:38 PM
To: FINTestimony
Subject: Card Check is not good for Hawaii. It will result in fewer jobs, less opportunities for business to provide real employment and will make a Hawaii less attractive to "new business" seeking a place to grow and thrive. Card Check takes away the rights...

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: steven@funfactoryinc.com
Sent: Thursday, April 02, 2009 4:00 PM
To: FINTestimony
Subject: SB 1621, SD2 HD1

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

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The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

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We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: JOHN@EXPEDITERSHAWAII.COM
Sent: Thursday, April 02, 2009 3:54 PM
To: FINTestimony
Subject: Take Action Now

John K. Souza
PO Box 30849
Honolulu, HI 96849

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple "card check" process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: dhauanio@honolulu-mbdc.org
Sent: Thursday, April 02, 2009 3:26 PM
To: FINTestimony
Subject: Take Action Now

Dayna Hauanio
2404 Maile Way
Honolulu, HI 96822-2457

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple "card check" process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

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Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: davidtom@goodbeginnings.org
ent: Thursday, April 02, 2009 11:37 AM
To: FINTestimony
Subject: Take Action Now

David Tom
2510 Waiomao Rd.
Honolulu, HI 96816

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: James B Tucker [jbtucker@hawaiiantel.net]

Sent: Thursday, April 02, 2009 2:59 PM

To: FINTestimony

Cc: govrel@hawaiirestaurants.org

HOUSE COMMITTEE ON FINANCE
Committee Chair Marcus R. Oshiro
Vice Chair Marilyn B. Lee

Committee Members,

RE: Testimony in opposition to SD 1621 SD2 HD1

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. ALL employees deserve the chance to make this important decision in private with a secret ballot.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Laws regarding property rights should not be permitted to be compromised for any reason by anyone.

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2 HD1 is contrary to basic democratic and constitutional principles and should not be passed.

Sincerely,

Jim Tucker AIA
James Tucker Associates, Inc.
119 Merchant Street, Ste. 404
Honolulu, HI 96813
T 808-545-5009
F 808-533-2728
C 808-542-4756
website: www.jtadesign.com

FINTestimony

From: eshimabukuro@ameronhawaii.com
Sent: Thursday, April 02, 2009 2:03 PM
To: FINTestimony
Subject: Take Action Now

Eric Shimabukuro PO Box 29968 Honolulu, HI 96820 Testimony to the House Committee on Finance April 3, 2009 3:00 a.m. Room 308, State Capitol Re: SB 1621, SD2 HD1 relating to Collective Bargaining Chair Oshiro, Vice Chair Lee and members of the committee: I respectfully request that you hold SB 1621, SD2 HD1. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open. Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions. Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: robert.m.walker@att.net
Sent: Thursday, April 02, 2009 9:14 AM
To: FINTestimony
Subject: Vote Against SB 1621, SD2 HD1, Card Check Bill

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor-law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Matt Galanek [Matt@GOCTechnologies.net]
Sent: Thursday, April 02, 2009 1:49 PM
To: FINTestimony
Subject: Opposition to SD 1621 SD2 HD1

Subject Line: Opposition to SD 1621 SD2 HD1

HOUSE COMMITTEE ON FINANCE
Committee Chair Marcus R. Oshiro
Vice Chair Marilyn B. Lee

Committee Members,

RE: Testimony in opposition to SD 1621 SD2 HD1

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. ALL employees deserve the chance to make this important decision in private with a secret ballot.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Laws regarding property rights should not be permitted to be compromised for any reason by anyone.

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2 HD1 is contrary to basic democratic and constitutional principles and should not be passed.

Sincerely,
Matthew Galanek
President
Global Odor Control Technologies of Hawaii, Inc.

FINTestimony

From: shelley@wilsonhomecare.net
Sent: Thursday, April 02, 2009 8:16 AM
To: FINTestimony
Subject: Take Action Now

Shelley Wilson
PO Box 2058
Honolulu, HI 96805
596-4486

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I, Shelley Wilson, owner of Wilson Homecare, respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Best Regards,
Shelley Wilson
President
Wilson Homecare
shelley@wilsonhomecare.net

FINTestimony

From: jo@honinfo.com
Sent: Thursday, April 02, 2009 8:06 AM
To: FINTestimony
Subject: Take Action Now

Jo Kamae Byrne
P.O. Box 2390
Honolulu, HI 96804-2390

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

I am particularly concerned with the portion of the bill that will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. History has shown that intimidation is possible without a protected ballot system. I believe each individual should have the right to make their decision in private, not in the open like this 'card check' process.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions. If penalties are to be increased, let there be a balanced and fair application of these consequences.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: shelley@wilsonhomecare.net
ent: Thursday, April 02, 2009 8:15 AM
To: FINTestimony
Subject: Take Action Now

Shelley Wilson
PO Box 2058
Honolulu, HI 96805
596-4486

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I, Shelley Wilson, owner of Wilson Homecare, respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the pen.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Best Regards,
Shelley Wilson
President
Wilson Homecare
shelley@wilsonhomecare.net

FINTestimony

From: cindy.fujioka@hilton.com
Sent: Thursday, April 02, 2009 7:48 AM
To: FINTestimony
Subject: Take Action Now

Cindy Fujioka
Doubletree Alana Hotel-Waikiki
1956 Ala Moana Blvd.
Honolulu, HI 96815-1897
cindy.fujioka@hilton.com

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

I ask that you consider the fact that unions are simply 'businesses'. I am unclear about the reasons why our local representatives would consider allowing a single type of business (unions) to have any advantage of increasing their ability to generate revenue (membership dues) at the expense of another business and/or industry. Although this bill is currently targeted towards the agricultural industry, it is not a far reach to imagine that if this bill is passed, unions will ask for access to other types of businesses/industries.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open. By allowing 'card check' you would be saying, you do not believe that having the right to make a decision in private is important. I cannot imagine, as an elected official, you would believe that this is true or in the spirit in which this country was built. Each member of this committee and the members of the house and senate have been entrusted to your posts by decisions made by your constituents in a private voting booth.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Based on current local and national unemployment data, it is obvious that the economic decisions that businesses face today to stay in business are unprecedented and incredibly heartwrenching. I can assure you from my personal experience, our business has taken every other possible measure of cost reduction prior to considering reducing our workforce. We have left no stone unturned from supplies, energy, creative scheduling, job sharing, retraining, alternative revenue sources (such as recycling), etc. - in short doing more with less while working toward retaining as many employees that we possibly can, for as long as we can. All of this without union intervention. To have what is being proposed in this bill, be mandated on businesses does not make good business sense. Additionally, the bill is unbalanced as it would ratchet up penalties for labor law

violation on employers but NOT unions. How is this fair?

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, keep the businesses who are working hard to stay afloat the support to keep stay viable through this challenging economic time and create work opportunity. This bill is counter-productive to what we need to do to truly help the people of Hawaii.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: cai@citymill.com
Sent: Thursday, April 02, 2009 8:21 AM
To: FINTestimony
Subject: Take Action Now

Carol Ai May
City Mill Company, Ltd.
P.O. Box 1559
Honolulu, HI 96806

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

My name is Carol Ai May and I am Vice President of City Mill Company Ltd., a 110- year old Kamaaina company started by my grandfather. We employ 500 residents of Oahu with our 8 locations.

We believe that the secret ballot procedure is part of the core that makes America great. It is part of the American process. You, as Legislators are voted in with secret ballots. Our President is voted in with a secret ballot.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Aloha,

Carol Ai May

FINTestimony

From: Hoyt.Zia@HawaiianAir.com
Sent: Wednesday, April 01, 2009 7:17 PM
To: FINTestimony
Subject: Take Action Now

Hoyt Zia
PO Box 30008
Honolulu, HI 96820-0008

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

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Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: barkle@alsco.com
Sent: Thursday, April 02, 2009 4:20 AM
To: FINTestimony
Subject: Take Action Now

Brian Arkle
2771 Wai Wai Loop
Honolulu, HI 96819-1941

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

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Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: gareth.cosner@centralpacificbank.com
Sent: Thursday, April 02, 2009 5:07 AM
To: FINTestimony
Subject: Take Action Now

Gareth Cosner 220 S. King Street Honolulu, HI 96813-4526 Testimony to the House Committee on Finance April 3, 2009 3:00 a.m. Room 308, State Capitol Re: SB 1621, SD2 HD1 relating to Collective Bargaining Chair Oshiro, Vice Chair Lee and members of the committee: I respectfully request that you hold SB 1621, SD2 HD1. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open. Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions. Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: RSinglehurst@gracepacificcorp.com
Sent: Thursday, April 02, 2009 4:53 AM
To: FINTestimony
Subject: Take Action Now

Bob Singlehurst 91-920 Farrington Highway Kapolei, HI 96707-2648 Testimony to the House Committee on Finance April 3, 2009 3:00 a.m. Room 308, State Capitol Re: SB 1621, SD2 HD1 relating to Collective Bargaining Chair Oshiro, Vice Chair Lee and members of the committee: I respectfully request that you hold SB 1621, SD2 HD1. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open. Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions. Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: jlippert@asbhawaii.com
Sent: Thursday, April 02, 2009 6:23 AM
To: FINTestimony
Subject: Take Action Now

Jason Lippert
P.O. Box 2300
Honolulu, HI 96804-2300

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2009 9:54 AM
To: FINTestimony
Cc: victor.lim@partners.mcd.com
Subject: Testimony for SB1621 on 4/3/2009 3:00:00 PM

Testimony for FIN 4/3/2009 3:00:00 PM SB1621

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Victor Lim
Organization: Hawaii Restaurant Association
Address: 1451 S King St. #503 Honolulu, Hi 96814
Phone: 944-91045
E-mail: victor.lim@partners.mcd.com
Submitted on: 4/2/2009

Comments:

FINTestimony

From: Daniel.Rogers@AirLiquide.com
Sent: Thursday, April 02, 2009 6:21 AM
To: FINTestimony
Subject: Take Action Now

Daniel Rogers
91-163 Hanua Street
Kapolei, HI 96707-1796

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: andrew.rosen@centralpacificbank.com
ent: Thursday, April 02, 2009 5:47 AM
To: FINTestimony
Subject: Take Action Now

Andrew Rosen PO Box 3590 Honolulu, HI 96811-3590 Testimony to the House Committee on Finance April 3, 2009 3:00 a.m. Room 308, State Capitol Re: SB 1621, SD2 HD1 relating to Collective Bargaining Chair Oshiro, Vice Chair Lee and members of the committee:

I respectfully request that you hold SB 1621, SD2 HD1. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open. Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions. Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Andrew Rosen
Chief Marketing Officer
Central Pacific Bank
220 South King Street
Honolulu, HI 96813

FINTestimony

From: noelle@consumerserviceanalysis.com
Sent: Wednesday, April 01, 2009 7:24 PM
To: FINTestimony
Subject: Take Action Now

Noelle Condon
Consumer Service Analysis, Inc.
Local Mystery Shopping Company
91-1170 Puaina St
Ewa Beach, HI 96706-1841

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: crobbins@cochawaii.org
Sent: Thursday, April 02, 2009 6:57 AM
To: FINTestimony
Subject: Take Action Now

Chris Robbins
1132 Bishop Street, Suite 402
Honolulu, HI 96813-2830

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: vaughn@akimeka.com
Sent: Thursday, April 02, 2009 7:21 AM
To: FINTestimony
Subject: Take Action Now

Vaughn Vasconcellos
President
Akimeka, LLC
1600 Kapiolani Blvd., Suite 527
Honolulu, HI 96814-3802

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: pkosasa@abcstores.com
Sent: Thursday, April 02, 2009 6:22 AM
To: FINTestimony
Subject: Take Action Now

Paul Kosasa 766 Pohukaina Street Honolulu, HI 96813-5307
Testimony to the House Committee on Finance
April 3, 2009 3:00 a.m. Room 308, State Capitol
Re: SB 1621, SD2 HD1 relating to Collective Bargaining
Chair Oshiro, Vice Chair Lee and members of the committee:
I respectfully request that you hold SB 1621, SD2 HD1.

This bill protects the unproductive, lazy, worker. The current system is balanced. Companies get the union they deserve. Laws should not encourage confrontations between employees and employers. Laws should provide order and promote civility. Thus, the secret ballot. Thank you.

FINTestimony

From: dennis@businessfactoringhawaii.com
Sent: Thursday, April 02, 2009 6:14 AM
To: FINTestimony
Subject: Take Action Now

Dennis Kennedy
1188 Bishop St., Ste 3404
Honolulu, HI 96813-3314

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: darrel_tajima@deanfoods.com
Sent: Thursday, April 02, 2009 5:48 AM
To: FINTestimony
Subject: Take Action Now

Darrel Tajima
Meadow Gold Dairies, Hawaii
925 Cedar Street
Honolulu, HI 96805-1880

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m. Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1. The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. The democratic process can only be assured by a secret ballot. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure could undermine our efforts. Simply, such measures will likely increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

April 3, 2009

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON
SENATE BILL 1621, SD 2, HD 1

Chair Oshiro and committee members:

My name is Fred Perlak and I am the Vice-President of Research and Business Operations for Monsanto in Hawaii. I ask that you consider my testimony in strong opposition to SB 1621.

My company is part of the corn seed industry here in Hawaii. This industry has grown significantly in Hawaii in recent years, over 40% from 2007 to 2009. We are now the leading agricultural component in the state with over \$146 million in direct spending in Hawaii. It is the faint flicker of light in a darkening and increasingly difficult economy both here in Hawaii and on the mainland.

A big part of our success has been our highly motivated workforce. Everyday, I see how hard everyone works. All of us have demonstrated commitment to our company with dedication, efficiency and a willingness to consistently produce high quality seed. We are proud of our workforce and what we have accomplished. In return, our company provides us with an excellent wage and benefits package, a very safe workplace environment where safety is not compromised and our company's appreciation and respect for employees.

All of the legislation proposed this session to simplify the unionization process has one common theme, the elimination of the secret ballot during the consideration of unionization. I strongly believe our workers have the right to secret ballot, to choose in confidence whether to accept unionization or not. It is their right, a right they have had for decades, a right that has been and should be protected. In a state that prides itself on the protection of the rights of all, I find it wrong and inconsistent that legislation could be adopted that so casually removes the rights of these workers.

Many familiar with the unions do not understand our opposition. Everyone at Monsanto works hard for their pay and our workers should safely and privately, decide whether or not they want to give 2% of their salary for union representation.

When considering this legislation, please consider the rights of our co-workers to choose the issue of unionization safely, privately and secretly. Please do not take that right away. Thank you.

FINTestimony

From: ksanders@oceannetwork.tv
Sent: Wednesday, April 01, 2009 5:10 PM
To: FINTestimony
Subject: Take Action Now

Ken Sanders
269 Kaelepulu Dr.
Kailua, HI 96734-3311
Chairman, Co-Founder, President
Ocean Network
Ph. 256-7263

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

In addition to all of the above, I should mention that I love my employees and they know it; and I don't want a new law to come between us.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2009 3:31 PM
To: FINTestimony
Cc: mitch.sipiala@fourseasons.com
Subject: Testimony for SB1621 on 4/3/2009 3:00:00 PM

Testimony for FIN 4/3/2009 3:00:00 PM SB1621

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mitch Sipiala
Organization: Four Seasons Resort
Address:
Phone:
E-mail: mitch.sipiala@fourseasons.com
Submitted on: 4/1/2009

Comments:
Mitch Sipiala
Four Seasons Resort Hualalai
72-100 Kaupulehu Dr
Kailua Kona, HI 96740

Testimony to the House Finance Committee April 3, 2009 3:00 p.m.
Room 308

Re: SB1621 SD2 HD1 - Relating to Collective Bargaining

Chair Oshiro, Vice Chair Lee and Members of the Committee

I respectfully request that you hold SB 1621 SD 2 HD1.

We work in the tourism and hospitality sector. We have always maintained a strong working relationship with our employees, and currently operate in a union free environment. This is possible due to the way we treat our employees, with dignity, pride and respect, and we also choose to pay top line wages and offer very competitive benefits for employees and their families. We feel strongly that a 3rd party representative will compromise what we have today, and is unnecessary for our environment.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2009 3:47 PM
To: FINTestimony
Cc: info@signarama-kona.com
Subject: Testimony for SB1621 on 4/3/2009 3:00:00 PM

Testimony for FIN 4/3/2009 3:00:00 PM SB1621

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mary Johnson
Organization: Individual
Address: 73-5619 Kauhola Street, Ste. 107 Kailua-Kona
Phone: 808.334.9713
E-mail: info@signarama-kona.com
Submitted on: 4/1/2009

Comments:

FINTestimony

From: Cyrus Goo [cafelauger@lava.net]
Sent: Thursday, April 02, 2009 4:04 PM
To: FINTestimony
Subject: Opposition to SD 1621 SD2 HD1

HOUSE COMMITTEE ON FINANCE

Committee Chair Marcus R. Oshiro

Vice Chair Marilyn B. Lee

Committee Members,

RE: Testimony in opposition to SD 1621 SD2 HD1

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process. ALL employees deserve the chance to make this important decision in private with a secret ballot.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

aws regarding property rights should not be permitted to be compromised for any reason by anyone.

While there may be a need to simplify the process by which employees determine their right to collective bargaining, SD1621 SD2 HD1 is contrary to basic democratic and constitutional principles and should not be passed.

Sincerely,
Cyrus Goo
Chef/Owner
Café Laufer

FINTestimony

From: pbustamante@pacificlight.net
Sent: Thursday, April 02, 2009 1:04 PM
To: FINTestimony
Subject: Take Action Now

Patrick Bustamante
Pacific LightNet
1132 Bishop Street, Suite 800
Honolulu, HI 96813-2854

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill.

Pacific LightNet is a facilities-based communications service provider that offers a full range of advanced, integrated telecommunications products and services in Hawaii, the Mainland U.S. and Asia.

Headquartered in Honolulu Hawaii, Pacific LightNet has approximately 550 miles of submarine and terrestrial fiber optic cable connecting the six major Hawaiian islands.

Thank you for the opportunity to submit written comments.

Patrick Bustamante

FINTestimony

From: robert.m.walker@att.net
Sent: Thursday, April 02, 2009 11:37 AM
To: FINTestimony
Subject: Vote Against SB-1621

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: cnakamoto@hawthornecat.com
Sent: Thursday, April 02, 2009 11:40 AM
To: FINTestimony
Subject: Card Check Bill

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. As a Human Resources professional over the past 20 years I have worked in numerous union environments and can envision employees feeling that they are forced to "vote with the rest" so they don't get singled out or picked on. Therefore, employees should have the right to make their decision in private, not in the open. This is very critical in situations where one group of employees are unionized and another work group within the same entity is not unionized.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine the rights of a company to uphold their efforts to survive and to continue its operations if a strike or union dispute be allowed to move directly on to private property. Simply, unionization will continue to increase the cost to do business in the islands, weaken Hawaii's economy and will hurt small businesses. We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: kaeo@koolinalm.com
Sent: Thursday, April 02, 2009 1:49 PM
To: FINTestimony
Subject: Help small businesses, don't kill them....

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

My name is Ka'eo Gouveia and I respectfully request that you hold SB 1621, SD2 HD1. I am apart of Mokulua Contracting LLC and we have the great fortune of employing 60 talented people from the West Side of O'ahu. We offer full service grounds, building and janitorial maintenance services to the island of O'ahu and deeply fear the negative consequences of allowing these measures to pass.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of running small businesses locally. Furthermore, this bill will hurt the already fragile business reputation the state maintains.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments. If needed, I can be contacted at 678-6511 or kaeo@koolinalm.com.

FINTestimony

From: leeg050@hawaii.rr.com
Sent: Thursday, April 02, 2009 11:52 AM
To: FINTestimony
Subject: SB 1621, SD2 HD1 relating to Collective Bargaining

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I, Geri Lee, respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Geri Lee
The Chamber of Commerce of Hawaii

FINTestimony

From: sgridley@intech-hawaii.com
Sent: Thursday, April 02, 2009 2:16 PM
To: FINTestimony
Subject: Re: SB 1621, SD2 HD1 relating to Collective Bargaining

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

My name is Sam Gridley and I am president of a small business, Integration Technologies, Inc., at 1953 S. Beretania St. in Honolulu. I respectfully request that you hold SB 1621, SD2 HD1.

I am concerned that removing the secret ballot will allow people to intimidate other people to vote their way. This is not the way to protect the "little guy" in my opinion.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mokumura@asipacific.com
Sent: Thursday, April 02, 2009 12:43 PM
To: FINTestimony
Subject: Take Action Now

Marc Okumura
Administrative Solutions, Inc
PO Box 1166
Pearl City, HI 96782-8166

Testimony to the House Committee on Finance April 3, 2009 3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. Therefore, employees should have the right to make their decision in private, not in the open.

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits. For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. Thus, this could have a huge impact on the livelihood of the business and the security of jobs.

Additionally, the bill would ratchet up penalties for labor law violations - on employers but not unions.

Finally, our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. Furthermore, this bill will hurt certain small businesses and entities.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Monica I. Toguchi [highwayinnhr@hawaiiantel.net]
Sent: Thursday, April 02, 2009 4:40 PM
To: FINTestimony
Cc: Rep. Jon Karamatsu
Subject: Strong Opposition to SD 1621 SD2 HD1

Testimony to the House Committee on Finance
April 3, 2009
3:00 a.m.
Room 308, State Capitol

Re: SB 1621, SD2 HD1 relating to Collective Bargaining

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

I respectfully request that you hold SB 1621, SD2 HD1.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Hawaii already suffers from too much bureaucratization in our government and the regulations imposed upon businesses. If you've ever had a chance to live outside of Hawaii, our government operations are quite depressing when compared to other cities and states. All you have to do is take a look at the condition of our state's infrastructure to realize how poorly we manage our resources in this state.

Recently, PBN reported that Executive Magazine reported that Hawaii was #49 on business friendliness. Executives around the country cited that States that have the least government regulation and union activities are the most progressive, and sadly, I would have to agree. All anyone has to do is take a good look at our communities and live here everyday to notice a state with so much potential, but continues to be mediocre at best in its vision for its people.

Case in point is how much time our legislators have wasted this session when we're experiencing a GLOBAL financial crises that has affected so many people. What are we doing? Arguing over bills that are detrimental to efforts that attempt to revitalize our economy?

What I perceive to be part of the problem is poor policymaking and this bill is another example of it. The bill will do away with secret ballot elections in union organizing drives, replacing them with a simple 'card check' process that is open to harassment and intimidation. IT GOES WITHOUT SAYING that employees should have the right to make their decision in private, not in the open.

There is also a strong cultural element here in Hawaii about collectivism and refusing to stir up opposition. Unlike other areas of the U.S. where independence is highly valued, people from Hawaii are much more sensitive to appearing "different" and may feel pressured to vote in ways they believe others are expecting them to. By eliminating the secret ballot process, it presents another layer of "pressure" and victimization of employees from both sides. Presently, the secret ballot protects this fundamental right to vote with undue pressure.

4/2/2009

Also, the measure would impose binding arbitration on employers and employees if they couldn't agree on a first contract within 90 days, and both sides would have to live with the consequences for two years. The binding arbitration will hurt both employees and employers as for the former, they would be denied the ability to vote on the pay and benefits.

For the employer, it could be stuck with a contract that is completely incompatible with the cost structure and business model. A great example of this is the United Auto Workers Industry and the potential of an entire industry leveraging themselves with too much union benefits and without the competencies necessary to survive and compete during these unprecedented times. We may now be seeing our Auto Industry on the verge of collapse and bankruptcy as many more will lose their jobs and benefits.

Thus, this bill could have a huge impact on the livelihood of the business and the security of jobs. Additionally, the bill would ratchet up penalties for labor law violations – on employers but not unions and creates further imbalances in our state. Not sure how anyone can justify how this is fair? Particularly for small business owners.

Since the plantation days, we have been accused that union activity is way too strong in this state – that it interferes with the ability for innovation and commerce to survive and succeed because the needs of the worker is not balanced with the needs of business and commerce as a whole. Another great example is how Aloha Airlines had to deal with the Pilot's union when attempting to find a buyer. In the end, everyone lost out – even Aloha's retired pilots who depended on their pensions to live their golden years well. Now all we have is the unethical Jonathan Ornstein and go! replacing our beloved 60 year old airline that was created when Asians and other ethnic minorities were unable to fly in the 1940s.

My final point is that our state should be using their time to focus on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry. In addition to the other critical points mentioned, our state should be focusing on community sustainability and the ability for our local agriculture to provide all the foods we need to maintain our food consumption. If there were ever a crisis that affected shipping or fuel, we would not be able to provide enough food for our own people.

Most farms in Hawaii are quite small and family operated. To impose this bill upon them will drive them out of business and force us to import foods from the mainland. Not only we would lose out on locally produced foods, but we would increase our energy consumption and lose both productivity and sales revenues in this state by passing this into law.

In effect, we would also be seeing food costs rise dramatically with the increased cost of shipping everything in. Is this what you want for our people? Pushing all the commodities we need to survive – housing, food, and energy costs beyond what our paychecks can reasonably afford? We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

Moreover, we should be working together - not supporting one interest group of the other. The outcome of supporting one interest over the other has led us to a very substandard state of living and enough is enough. Businesses in Hawaii have always hurt from over regulation and strong union activities, but we are hurting even more now, especially the small ones like the family owned farms who are barely surviving.

Creating further divide between employers and employees is not the solution. Furthermore, giving more power to unions is also not the solution – it only allows them to take 1-2% of members pay to further “throw their weight around” and to continue drafting more bills that offer little support to business owners.

While I'm quite against big businesses like Walmart entering our local economy (I try not to shop there if I can because it's very presence kills other small businesses and concentrates wealth to Walmart shareholders, family owners and executives), this bill will have far fetching consequences to small business owners by allowing union leaders to continue threatening law makers to vote against their good conscience when they do not vote in ways that are supportive of their interests. While union activities tend to focus upon big businesses, smaller ones feel the effects of the same pieces of legislation – usually with more detrimental effects of the unintended consequences of poorly thought out policies.

This bill is not about the worker or small businesses– it's about power and the authority to dictate how you should legislate which affects ALL OF us. By voting for this bill, you will be effectively giving unions more power – not the employee or the small business people who employ them. Accordingly, as legislators, you will struggle even harder when you choose to not vote for union backed initiatives.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,
Monica Toguchi
VP of Administration & Planning