

SB2896

Measure Title:	RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES.
Report Title:	Hawaii Employment Relations Act; Prevention of Unfair Labor Practices
Description:	Allows the Hawaii Labor Relations Board the option of serving complaints and notices of hearings via first class mail and also allow service by electronic means.
Companion:	HB2367
Package:	Governor
Current Referral:	GVO, JDL
Introducer(s):	KOUCHI (Introduced by request of another party)

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February 8, 2016

TO: The Honorable Donna Mercado Kim, Chair
The Honorable Les Ihara, Jr., Vice Chair
Honorable Members of the Senate Committee on Government Operations

DATE: February 11, 2016
TIME: 1:15 p.m.
PLACE: Conference Room 414
State Capitol Building

FROM: Kerry M. Komatsubara, Chair
Hawaii Labor Relations Board (HLRB)

A handwritten signature in black ink, appearing to read "Kerry M. Komatsubara".

RE: Testimony in Support of S.B. No. 2896
Relating to the Prevention of Unfair Labor Practices

I. OVERVIEW OF PROPOSED LEGISLATION

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) § 377-9 by clarifying that the HLRB may serve complaints and notices of hearings on parties by first class mail and also allow service by electronic means.

HLRB supports this Administration proposal.

II. COMMENTS

Section 377-9(b), HRS, requires unfair labor practice complaints to be served "by delivery to the person, or by mail or by **telegram**." This proposal deletes the reference to telegram and replaces it with electronic service, to keep up with changes in technology.

Additionally, the proposal provides that notice of the hearing may be provided by written notice by first class mail or by electronic service through a company designated by the HLRB at least fifteen days before the hearing. This revision is similar to the language currently used in section 89-5.1, which governs collective bargaining in public employment, which is the public employment counterpart to the Hawaii Employment Relations Act.

Therefore, if the measure is enacted, the procedures before the HLRB will be identical whether the complaint involves an unfair labor practice under chapter 377, HRS, or a prohibited practice complaint under chapter 89, HRS.

The HLRB has already implemented an electronic filing system to save the HLRB and parties the cost of postage and paper, as well as accommodate parties who are not located on Oahu and who may be disadvantaged by having to mail documents.

Impact on the public: The electronic service of complaints and notices is a faster and less expensive way to provide notice to parties. The HLRB intends to provide in its administrative rules that a party not represented by counsel may elect to continue filing paper documents with the HLRB and continue to serve, and be served, paper copies of documents by mail.

Impact on the department and other agencies: The electronic service of complaints and notices is a faster and less expensive way to provide notice to parties. HLRB and the parties before it, including the legal offices of the governmental agencies practicing before HLRB (Department of the Attorney General, the corporation counsel of the four counties, the General Counsel of the University of Hawaii and the General Counsel for the Hawaii Health System Corporation) will avoid unnecessary postage expenses and gain clerical labor savings.

Thank you for allowing the HLRB the opportunity to testify on this bill and HLRB request your support to pass this bill out of committee.

HLRB's representative is available for any questions.

From: mailinglist@capitol.hawaii.gov
To: [GVO Testimony](#)
Cc: KarinNomura1@gmail.com
Subject: Submitted testimony for SB2896 on Feb 11, 2016 13:15PM
Date: Monday, February 08, 2016 2:30:23 PM
Attachments: [SB2896.docx](#)

SB2896

Submitted on: 2/8/2016

Testimony for GVO on Feb 11, 2016 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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I support any measure that protects the rights of employees against what I've since been told is "legal" action against an employee, from various lawyers and agency's set up for the protection of employees:

For example:

Company's:

- * offering a lesser amount for a promotion (after which employee declines the promotion, only to have a new amount negotiated one higher than currently receiving) than demoting after the promotion, to ensure that the original "offering" is accepted.

- *cutting hours of other full time employees; hiring; authority of; etc. (I.e. Authority is within the company's guidelines for employee and employees boundary and duties – to discredit employee or prove their higher authority by revoking something the employee did within their authority as a "power dominance"- only to approve the transaction as the higher authority after discrediting the employee for doing the same; taking a job away from another employee that was given the job by the supervisor, only to give it back to the supervisor – than spend hours lecturing the supervisor on not delegating jobs and trying to do everything themselves; or just basically making the ploy of "be glad you have a job" and "harassment is a part of your job"; making an employee feel that if they don't do as their superior says even though it may be against supposed documentation listed on supposed labor posters, that they will be terminated; etc.)