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February 1, 2019

Chair Taniguchi, Vice Chair Ihara, Jr., and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB or Board) provides the following **comments in support of SB 1146 with amendments** for your consideration.

The HLRB is a quasi-judicial agency that oversees two areas of laws in the State of Hawai'i: (1) collective bargaining and unfair labor practices under Chapters 89 and 377 of the Hawai'i Revised Statutes (HRS), and (2) contests involving citations or orders of the Director of Labor and Industrial Relations involving occupational safety and health laws set forth in Chapter 396, HRS. As an administrative agency, the HLRB is also subject to the administrative procedures set forth in HRS Chapter 91.

SB 1146 amends HRS § 377-9 to allow all documents filed with the HLRB to be filed either as an original paper document or an electronic version. The Board supports this cost saving measure and has already implemented an electronic filing system under its administrative rules. The Board would, however, ask for the following amendments for clarity and consistency with HRS § 89-5.1:

(m) All documents filed with the board under this section shall be delivered to the board as:

(1) An original paper document; or

(2) An electronic version, filed by electronic service through a company designated by the board.

A document filed by electronic means shall be equivalent to an original document for the purposes of this section.

Thank you for your time and consideration of the HLRB's comments in **support** of SB 1146 with amendments.

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THE SENATE  
THE THIRTIETH LEGISLATURE  
REGULAR SESSION OF 2019

COMMITTEE ON LABOR, CULTURE AND THE ARTS  
S.B. 1146  
Hearing: February 5, 2019

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

Chair Taniguchi, Vice Chair Ihara and members of the Committee. My name is Peter Fritz. I am an individual with a disability. I am testifying **in support of this bill, with a proposed amendment to comply with the Americans with Disability Act (“ADA”)**.

The ADA generally requires that State and local governments provide qualified individuals with disabilities with equal access to their programs, services, or activities. This includes documents that are filed electronically and available on a website. Therefore, electronic documents filed with the Hawaii Labor Relations Board (“Board”) must be accessible. This accessibility requirement also applies to outside parties filing documents. It is suggested that language be added to paragraph (2) that makes it clear that electronic documents filed with the Board must meet the accessibility standards of the ADA.<sup>1</sup> The revised paragraph would read as follows:

(2) An electronic version that is formatted in a manner that complies with all state and federal laws requiring electronic accessibility to persons with disabilities. These requirements include compliance with the Americans with Disabilities Act, Section 508 of the federal Rehabilitation Act of 1973 and any related federal or state regulations or administrative rules.

Thank you for the opportunity to testify.

Respectfully submitted,

  
Peter L. Fritz

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<sup>1</sup> Some of the language has been taken from Florida Rule of Judicial Administration 2.526.