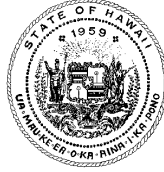


DAVID Y. IGE
GOVERNOR



RYKER WADA
CHIEF NEGOTIATOR

**STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR**
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

**TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY**

For Hearing on Thursday, March 31, 2022
9:30 a.m., Conference Room 016 and Via Video Conference

By

**RYKER WADA
CHIEF NEGOTIATOR**

**House Bill No. 1789 HD2 SD1
Relating to Collective Bargaining**

CHAIRPERSON RHOADS, VICE-CHAIR KEOHOKALOLE AND MEMBERS OF THE
SENATE COMMITTEE ON JUDICIARY:

The Office of Collective Bargaining (OCB) **OPPOSES** HB1789 HD2 SD1, which establishes that the representative of labor on the Hawaii Labor Relations Board be a person selected by a majority of the exclusive representatives of the collective bargaining units.

OCB is concerned that this bill diminishes the Governor's authority by compelling him to appoint a single individual identified by the exclusive representatives as a labor representative to the Hawaii Labor Relations Board. Current practice is for the Governor to make an appointment from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives. We believe there is no compelling reason to limit the pool of nominees from three to one.

Based on the above, the OCB respectfully requests that this measure be **held**. Thank you for considering our concerns and for the opportunity to testify on this measure.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: HB 1789 HD2 SD1 - RELATING TO COLLECTIVE BARGAINING.

THURSDAY, MARCH 31, 2022

WILBERT HOLCK, EXECUTIVE DIRECTOR
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1789, HD2, SD1**, relating to collective bargaining. This bill requires the representative of labor on the Hawaii labor relations board to be a person selected by a majority of the exclusive representatives of the collective bargaining units. Provides a timeframe for the governor to appoint the representative of labor following submission of the nominee's name.

As the representative of management for the Hawaii Labor Relations Board is appointed by the governor, who first considers any names submitted by the counties; provided that each county may submit no more than one name; the process should be similar for the representative of labor in that a person who is appointed by the governor, but whose name has been submitted to the governor to serve as the representative of labor by the exclusive representatives certified pursuant to section 89-8. The process to determine the nominee whose name is to be submitted to the governor shall be determined by a simple majority of the exclusive representatives certified pursuant to section 89-8. The governor shall transmit the name of the person nominated to serve as the representative of labor to the senate for advice and consent not later than twenty days after submission of the nominee's name to the governor; provided that, if the governor fails to nominate the person whose name has been submitted by a simple majority of exclusive representatives in accordance with this paragraph, the simple majority of exclusive representatives who recommended the person shall transmit the person's name directly to the senate for confirmation.

To be an exclusive representative of labor, shouldn't labor be included in the process for the selection? Therefore, to ensure labor is represented as they should be in HLRB, the Hawaii State Teachers Association asks your committee to **support** this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
The Senate
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

March 31, 2022

H.B. 1789, H.D. 2, S.D. 1 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1789, H.D. 2, S.D. 1 which establishes that the Labor Representative on the Hawaii Labor Relations Board (HLRB) be selected by a majority of the Exclusive Representatives.

The mission of the HLRB is to fairly resolve labor disputes and enforce and protect the rights of unionized public employees and public unions to organize and bargain collectively in balance with the Employer's rights to manager operations. The HLRB is composed of three members – a representative of labor, a representative of management, and the chairperson who shall represent the public interest. The Labor Representative is appointed by the Governor from a list of three nominees submitted by a majority of the Exclusive Representatives and must be confirmed by the Senate, however the Governor also appoints both the Management Representative and the Chairperson of the Board, thus granting the Governor significant influence over all three seats. The current process grants the Governor too much authority over an adjudicatory board in which the Governor, serving as the Employer, is often party. Since decisions and rulings by the HLRB directly impact every unionized state and county government employee in Hawai'i, it is fair and reasonable to allow the Exclusive Representatives the right to collectively nominate our Labor Representative.

While this measure will not completely balance the scales of power between the Employer and the Exclusive Representatives, it will serve to ensure that the Exclusive Representatives' collective voice is strengthened. Thank you for the opportunity to testify in strong support of H.B. 1789, H.D. 2, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

March 28, 2022

ONLINE/FAX: 808-586-6131; 587-7220

The Honorable Karl Rhoads
Chair
The Honorable Jarrett Keohokalole
Vice-Chair
Senate Committee on Judiciary
Hawaii State Capitol, Rooms 204, 205
415 South Beretania Street
Honolulu, HI 96813

Re: **HB1789 HD2, SD1-Relating to Collective Bargaining**

Dear Chair Rhoads, Vice-Chair Keohokalole, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in strong **support** of HB1789 HD2, SD1. This bill will amend HRS §89-5 to ensure that the public employee unions and their labor interests are at all times competently and fairly represented on the Hawaii Labor Relations Board ("HRLB") by a representative of their choice.

The HLRB is composed of three (3) board members who represent three distinct interests on the board, i.e., labor, management and the public. Unlike other boards and commissions, the respective board members on the HRLB are specifically designated by the interests they statutorily represent on the board. There is a "representative of labor," "representative of management," and a "representative of the public" who also serves as the board's chairperson.

The HLRB is the venue where the public unions and employers seek redress and resolution of various types of labor disputes and issues. Thus, it is imperative that the "representative of labor" serving on the board, which decides cases by majority rule, is a person who is effectively representing labor, competently discharging his/her duties, and is the public unions' choice to serve as our representative. I note that OCB raised a concern that the bill may somehow diminish the governor's authority to appoint the labor representative. Contrary to

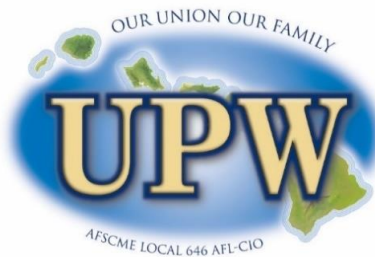
The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
Re: HB1789 HD2, SD1-Relating to Collective Bargaining
March 28, 2022
Page 2

OCB's assertion, the bill maintains that the governor will continue to select the labor representative but provides a deadline by which the governor must act. Placing time limits on the governor's decision ensures that the executive branch will act expeditiously so that the unions have their representative appointed and sitting on the board in a timely manner. If the governor fails to act, the bill provides that the unions will have the option of transmitting the name to the Senate for confirmation which will avoid the consequences of a situation where the governor sits on a nomination for a prolonged period of time leaving the unions without a representative on the board. In addition, OCB seems to forget that the labor representative is the union's choice and is selected by the unions and not OCB. Whether it is one name or three names, the labor representative by statute must be the unions' choice and for the unions to select because at the end of the day the labor representative is the person the unions want representing them on the board.

By allowing the public unions to select their labor representative by a simple majority, HB1789 HD2, SD1 will ensure that the public unions' labor representative on the HLRB is truly their choice and selection. We thank you for allowing us to be heard on this very important issue and hope your committee will unanimously support this bill and allow this bill to take effect upon its approval.

Respectfully submitted,

ROBERT "BOBBY" CAVACO
SHOPO President



**THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022**

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Thursday, March 31, 2022, 9:30AM
Conference Room 016 and via Videoconference

Re: Testimony in SUPPORT of HB1789, HD2, SD1 – RELATING TO COLLECTIVE BARGAINING

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **supports** HB1789, HD2, SD1, which requires the representative of labor on the Hawaii Labor Relations Board to be a person selected by a simple majority of the exclusive representatives of the collective bargaining units and provides a timeframe for the governor to appoint the representative of labor following the submission of the nominee's name, and allows the exclusive representatives to transmit the nominee's name directly to the Senate if the Governor fails to do so in the timeframe.

Under the current law, the exclusive representatives of labor have been able to provide input on the representative of labor on the Board, but the final decision is made by the Governor. This proposed legislation would help to establish that the exclusive representatives of labor's interest and voices are reinforced when it comes to the Board's labor representative.

Thank you for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to be 'KW' or 'Kalani Werner', is written below the word 'Sincerely,'.

Kalani Werner
State Director

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HAWAII – 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-3424
KAUAI – 2970 Kele Street, Suite 213 ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412
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