

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

**COMMITTEE ON LABOR AND TECHNOLOGY**  
Senator Sharon Y. Moriwaki, Chair  
Senator Chris Lee, Vice Chair

Monday, March 13, 2023, 3:00 PM  
Conference Room 224 and via Videoconference

**Re: Testimony in SUPPORT of HB161, HD1 – RELATING TO COLLECTIVE BARGAINING**

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

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for 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** HB161, HD1, 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.

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. The 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 blue ink, which appears to read "Kalani Werner".

Kalani Werner  
State Director



The Senate Committee on Labor, and Technology

March 13, 2023

3:00 PM

Room 224

**RE: HB 161, HD1, Relating to Collective Bargaining**

Attention: Chair Sharon Moriwaki, Vice Chair Chris Lee and  
Members of the Committee

HB 161, HD 1, Relating to Collective Bargaining seeks to amend §89-5, HRS, to ensure that the certified exclusive representatives of labor, as defined in §89-8, HRS, clearly have a voice in determining the representative of labor to sit on the Hawai'i Labor Relations Board (HLRB).

Historically, the exclusive representatives have been offered input on the representative of labor, but the ultimate decision was always made by the Governor. This legislation ensures a process that provides direct input from the representatives of labor working together to provide the nominee to be submitted to the Governor and ensures the appointment to the HLRB to be chosen by the exclusive representatives to represent labor's interests.

We appreciate the opportunity to submit testimony in **support of HB 161, HD 1**, Relating to Collective Bargaining.

Respectfully submitted,

Christian L. Fern  
Executive Director  
University of Hawaii  
Professional Assembly

**University of Hawaii**  
**Professional Assembly**



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TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR &  
TECHNOLOGY

RE: HB 161 HD1 - RELATING TO COLLECTIVE BARGAINING.

MONDAY, MARCH 13, 2023

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Moriwaki and Members of the Committee:

The Hawaii State Teachers Association **supports HB 161 HD1**, relating to collective bargaining. This bill revises SECTION 1. Section 89-5, Hawaii Revised Statutes, to change the process of the selection of the labor representative on HTSB, as written in the language of this bill.

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. We agree with HGEA that 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 manage operations.** HLRB is composed of three members - a representative of labor, a representative of management, and the chairperson who shall represent the public interest. **The Governor already 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. Currently, 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. 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 change this process 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.** 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-Second Legislature, State of Hawaii  
The Senate  
Committee Labor and Technology

Testimony by  
Hawaii Government Employees Association

March 13, 2023

### H.B. 161, H.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. 161, H.D. 1 which establishes that the Labor representative on the Hawaii Labor Relations Board (HLRB) be selected by a majority of the Exclusive Representatives.

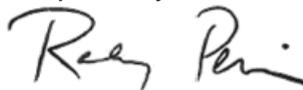
The mission of the HLRB is to fairly resolve labor disputes and enforce and protect the rights of unionized public employees and public unions to organize and bargain collectively in balance with the Employer's rights to manage operations. The HLRB is composed of three members – a representative of labor, 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 a 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.

**We respectfully request that an amendment is included in H.B. 161, H.D. 1, Section 1(B), which requires the Governor to nominate the Labor representative after receiving a nominee from the Exclusive Representatives.** Past Governors have, at times, chosen to 'sit' on the Exclusive Representatives nominees for months before deciding. During these occasions, it has temporarily created an unequitable Board where only the representative of management and the chairperson are the deciding vote in decisions that may impact every unionized state and county government employee in Hawaii. By including this amendment in H.B. 161, H.D. 1, it properly ensures that the Governor appropriately appoints our representative in a timely manner.

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. 161, H.D. 1.

Respectfully submitted,

A handwritten signature in black ink that reads "Randy Perreira". The signature is written in a cursive, flowing style.

Randy Perreira  
Executive Director



**LATE**

STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS  
" A Police Organization for Police Officers Only "  
Founded 1971

March 9, 2023

**VIA ONLINE**

The Honorable Sharon Y. Moriwaki  
Chair  
The Honorable Chris Lee  
Vice-Chair  
Senate Committee on Labor and Technology  
Hawaii State Capitol, Room 215, 219  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB 161 HD1 - Relating to Collective Bargaining**

Dear Chair Moriwaki, Vice-Chair Lee, 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 HB 161 HD1, subject to it being effective upon approval as originally proposed. This bill would 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. Other than making technical, non-substantive amendments for the purposes of clarity, consistency and style, HB 161 HD1 changes the effective date to June 30, 3000 to encourage further discussion.

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.

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The Honorable Sharon Y. Moriwaki, Chair  
The Honorable Chris Lee, Vice-Chair  
Senate Committee on Labor and Technology  
March 9, 2023

SHOPO Testimony Page 2

Re: **HB 161 HD1 - Relating to Collective Bargaining**

Contrary to the State of Hawaii Department of Budget and Finance and Office of Collective Bargaining's assertions that this bill would somehow diminish the governor's authority to appoint the labor representative, the bill maintains that the governor will continue to select the labor representative but provides a time frame in which the governor must act. Placing time limits on the governor 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, these agencies seem to forget that the labor representative is the union's choice and is selected by the unions and not them. Whether it is one name or three names, the labor representative should be the unions' choice and for the unions to decide 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, HB 161 HD1 will ensure that the public unions' labor representative on the HLRB is truly their choice and selection just as the employer's representative on the HLRB is the employer's 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



**HAWAII FIRE FIGHTERS ASSOCIATION**  
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[www.hawaii firefighters.org](http://www.hawaii firefighters.org)

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THE SENATE  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2023  
March 13, 2023

Committee on Labor and Technology

Testimony by  
Hawaii Fire Fighters Association

H.B. No. 161  
H.D. 1

RELATING TO COLLECTIVE BARGAINING

LBT, JDC

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional active-duty fire fighters throughout the State. The HFFA **supports H.B. No. 161, H.D. 1** which provides for the appointment of the Labor Representative on the Hawaii Labor Relations Board to be selected by a majority of the Exclusive Representatives with the Senate confirmation.

HFFA supports this proposal as it provides the statutory framework in which the exclusive representative organizations are in concurrence, by a simple majority, on the submission of one nominee to the HLRB serving as the Labor Representative. It certainly does not affect the balance on the Board rather it enhances the nomination process by providing the exclusive representatives the autonomy to mutually agree on the most qualified nominee to represent the interest of the working women and men in public service.

H.B. No. 161, H.D. 1 mirrors H.B. No. 1789, S.D. 1 (2022) which was unanimously approved by the Legislature in 2022. Unfortunately, that bill was vetoed by the Governor.

Thank you for the opportunity to testify. We appreciate your favorable consideration of H.B. No. 161, H.D. 1.