

JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENN A H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

RYAN YAMANE
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENN A H. HASHIMOTO
Director, Department of Human Resources Development

Before the
SENATE COMMITTEE ON LABOR AND TECHNOLOGY
Tuesday, April 16, 2024
10:00 AM
State Capitol, Conference Room 225

In consideration of
GOVERNOR'S MESSAGE NO. 726
RELATING TO CLARK HIROTA
FOR CONSIDERATION AND CONFIRMATION TO THE
HAWAII LABOR RELATIONS BOARD

Chair Aquino, Vice Chair Moriwaki, and the members of the committee.

The Department of Human Resources Development (DHRD) is in strong support of the confirmation of Clark Hirota to the Hawaii Labor Relations Board (HLRB).

Mr. Hirota has been employed as a Labor Specialist at the City and County of Honolulu, Department of Human Resources, since 2008. Also, he previously served as a Deputy Corporation Counsel and in various offices providing legal advice in labor law and employment law as an attorney. Mr. Hirota's work experience has enabled him to be fair in his decision making and thus a great candidate to serve on the HLRB. In his current capacity at the City and County of Honolulu, he represents and advocates for city departments on labor matters and serves as a hearings officer for contested cases. His experience and knowledge regarding collective bargaining and labor law will be valuable benefits to the HLRB.

DHRD respectfully asks for your favorable consideration of Mr. Hirota's confirmation as a member of the HLRB.

Thank you for the opportunity to provide testimony in strong support of Governor's Message No. 726 and Clark Hirota.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

HAWAII RETIREMENT
SAVINGS BOARD

Co-Chairs
Jade T. Butay
Luis Salaveria

Members
Jessie Keola Dean
Barbara Krieg
Andrew Nomura
Brian Taniguchi
Karen Yasukawa
Senator Henry J.C. Aquino
Rep Andrew Takuya

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII RETIREMENT SAVINGS BOARD
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

April 15, 2024

To: The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Tuesday, April 16, 2024

Time: 10:00 a.m.

Place: Conference Room 224 & Videoconference, State Capitol

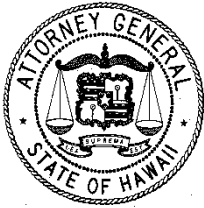
From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

G.M. 726; Submitting for consideration and confirmation to the Hawaii Labor Relations Board, Gubernatorial Nominee, CLARK HIROTA, for a term to expire 06-30-2030.

Mr. Hirota earned his Juris Doctorate from Seattle University School of Law and concentrated his practice in the area of labor law, employment law, family law, estate planning, state and federal workers compensation and personal injury during his career. He is currently a Labor Specialist for the Department of Human Services at the City and County of Honolulu.

The DLIR feels Mr. Hirota has the experience and credentials to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the rights of employers to manage operations, as provided by law, and to fairly and efficiently resolve labor disputes brought before it.

Thank you for the opportunity to provide testimony in support of Governor's message 726.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

G.M. NO. 726, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE HAWAII' I LABOR RELATIONS BOARD, GUBERNATORIAL NOMINEE, CLARK HIROTA, FOR A TERM TO EXPIRE 06-30-2030.

BEFORE THE:

SENATE COMMITTEE ON LABOR AND TECHNOLOGY

DATE: Tuesday, April 16, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Amanda Donlin,
Deputy Attorney General, at (808) 587-2900)

Chair Aquino and Members of the Committee:

The Department of the Attorney General supports the nomination of Clark Hirota to the position of board member on the Hawaii Labor Relations Board (HLRB).

The HLRB primarily presides over matters related to public and private sector collective bargaining, pursuant to chapters 89 and 377, Hawaii Revised Statutes (HRS). It also hears appeals from citations and orders by the Hawaii Occupational Safety and Health Division, under chapter 396, HRS.

Mr. Hirota has the knowledge and experience necessary to make him an excellent contributor to the HLRB.

An attorney licensed in the State of Hawaii (he is currently on voluntary inactive status), Mr. Hirota has ten years of prior legal experience in the area of labor and employment law. This includes serving as an associate attorney for six years at the law firm of King, Nakamura & Chun-Hoon, where he practiced labor and employment law, and represented clients before administrative boards, including the HLRB. He was a Labor Counselor for the Office of the Staff Judge Advocate for six months where he appeared on behalf of the Army in labor arbitration proceedings, and before the Merit Systems Protection Board, Federal Labor Relations Board, and Equal Employment Opportunity Commission. He also served as a Deputy Corporation Counsel for the City

and County of Honolulu, where he was assigned to the Department of the Corporation Counsel's Personnel Section. There, he was an advocate in interest arbitrations, grievance arbitrations, and in administrative proceedings before the HLRB.

In addition to his legal experience, for the past fifteen years, Mr. Hirota has been directly involved in labor relations, as a Labor Specialist for the City's Department of Human Resources. In this capacity, he advised, represented, and advocated for various City departments in labor matters involving numerous public unions; conducted training on City policies and labor issues; assisted with interest arbitrations; and presided as a hearings officer over contested cases.

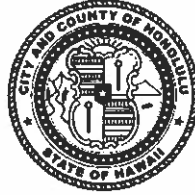
Finally, Mr. Hirota has experience presiding over proceedings similar to those of the HLRB. For nearly five years, he was a panel member on the Hawaii Health Systems Corporation's (HHSC) Merit Appeals Board (MAB), where he heard and decided appeals relating to the civil service of the HHSC. His duties on the HHSC MAB were similar to those he would perform on the HLRB, as both boards are responsible for hearing and deciding contested case hearings concerning management-employee disputes.

Based on the considerations above, we believe that Mr. Hirota will be an excellent addition to the HLRB, and we respectfully request this Committee to recommend that the Senate advise and consent to his appointment as an HLRB member.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.org

RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ATY-JK**

April 16, 2024

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Labor and Technology
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

**SUBJECT: Gov. Msg. No. 726, Relating to Hawai'i Labor Relations Board (HLRB),
Governatorial Nominee Clark Hirota**

I am Aaron Takasaki-Young, Assistant Chief of the Administrative Bureau of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the nomination of Mr. Clark Hirota to the HLRB and urges the committee to confirm his nomination.

Mr. Hirota has long served as a Labor Relations Specialist for the Department of Human Resources, City and County of Honolulu. During his tenure, he has demonstrated a firm grasp of the multitude of laws and regulations relating to labor relations in the state of Hawai'i.

Through the years, Mr. Hirota has earned a reputation for being honest, straightforward, affable, and well-versed in all employment aspects. He is generous with his time and knowledge and is consistently working to maintain the letter of the law while working collaboratively with all parties.


Mr. Hirota's knowledge of collective bargaining and employer law is invaluable and has helped guide our department to make critical labor decisions. Further, his patient yet focused disposition makes him well-suited to sit on a board as demanding as the HLRB.

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Labor and Technology
April 16, 2024
Page 2

We strongly support his nomination and believe he will be an asset to the HLRB.


Thank you for the opportunity to testify.

Sincerely,



Aaron Takasaki-Young, Assistant Chief
Administrative Bureau

APPROVED:



Arthur J. Logan
Chief of Police

OFFICE OF THE MAYOR
KE KE'ENA O KA MEIA
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



MICHAEL D. FORMBY
MANAGING DIRECTOR
PO'O HO'OKELE
KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

April 9, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
and Honorable Members of the Senate
Committee on Labor and Technology
The Senate, Room 225
State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Subject: GM726 Submitting for consideration and confirmation to the
Hawai'i Labor Relations Board, Gubernatorial Nominee, CLARK
HIROTA, for a term to expire 06-30-2030

Dear Chair Aquino, Vice Chair Moriwaki, and Honorable Members of the Senate
Committee on Labor and Technology:

As Mayor of the City and County of Honolulu, it is my distinct privilege to express my strongest support for the consideration and confirmation of Gubernatorial Nominee Clark Hirota to the Hawai'i Labor Relations Board (HLRB).

Clark currently serves as a Labor Specialist in the City's Department of Human Resources, where his 15+ years of expert advice to City departments on labor matters, training, advocacy and his service as a contested case Hearings Officer on various departmental cases has served the City very well. Clark's recent experience as a panel member of the Hawai'i Health Systems Corporation Merit Appeals Board also gives him an intimate understanding of State hearings and appeals board processes, meaning Clark will hit the ground running in cases pursuant to Chapters 89, 377 and 396, Hawai'i Revised Statutes.

A life-long labor specialist, counselor and attorney, Clark brings a wide-breadth of practical labor law experience that will assist him in applying State labor law principles to HLRB cases. Based upon my confidence in Clark, I respectfully recommend him to you for your consideration and confirmation.

Very truly yours,

Handwritten signature of Rick Blangiardi in black ink.
Rick Blangiardi
Mayor



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

SENATE COMMITTEE ON LABOR and TECHNOLOGY

HEARING DATE: Tuesday, April 16, 2024
TIME: 10:00 a.m.
PLACE: State Capitol
Conference Room 225

RE: Testimony in **SUPPORT** of Governor's Message 726

Aloha Chair Aquino, Vice Chair Moriwaki, and Members of the Committee;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony in support of Governor's Message 726 ("GM 726").

IBEW 1260, is comprised of approximately 3,000 hardworking union members made up of a diverse workforce that consists of highly skilled and trained individuals working in electric utility generation, transmission, and distribution, as well as government, professional, and broadcast service contracts throughout the State of Hawai'i, in Guam and Wake Island.

IBEW 1260 supports GM 726 which submits for consideration and confirmation to the Hawaii Labor Relations Board, Gubernatorial Nominee, **CLARK HIROTA**, for a term to expire 06-30-2030.

The mission of the Hawaii Labor Relations Board is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the rights of employers to manage operations, as provided by law, and to fairly and efficiently resolve labor disputes brought before it.

To the extent that decisions made by Hawaii Labor Relations Board may directly and/or indirectly impact IBEW 1260 and/or the members it serves, we believe Mr. Hirota's legal experience and background will allow him to critically consider and objectively decide on the many complex and sometimes controversial issues that come before the Board without bias or predisposition. Should the need arise, we look forward to working with Mr. Hirota on issues important to IBEW 1260 that come before him.

Mahalo for the opportunity to testify.

SHOPO



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

April 11, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Senate Committee on Labor and Technology
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: **In Support for the appointment of Clark Hirota to the Hawaii Labor Relations Board (GM 726)**

Dear Chair Aquino, Vice Chair Moriwaki, and the Honorable Committee members:

I am writing to express my strong support for the appointment of Clark Hirota to the Hawaii Labor Relations Board.

I have had the privilege of knowing Clark for many years and I can attest to his unwavering dedication to promoting fair labor practices and fostering positive relationships between employers and employees.

Clark's extensive experience in labor relations, coupled with his deep understanding of Hawaii's unique socio-economic landscape, make him an ideal candidate for this important position.

Clark's collaborative approach to problem-solving, his impeccable integrity, and his ability to see issues from multiple perspectives make him a valuable asset to any organization. I am confident that his appointment to the Hawaii Labor Relations Board would bring a fresh perspective and ensure that the interests of both workers and employers are fairly represented.

In conclusion, I wholeheartedly endorse Clark Hirota's candidacy for the Hawaii Labor Relations Board and urge you to consider his qualifications and dedication to service as you make your decision. His appointment would undoubtedly contribute to a more just and harmonious labor environment in our state.

Thank you for your attention to this matter.

Sincerely,

ROBERT "BOBBY" CAVACO
SHOPO President

RC: ja

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shopohawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

THE SENATE
KA'HA KENEKOA

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Hearing Tuesday, April 16, 2024

Time: 10:00 a.m.

Place: Conference Room 225 & Video Conference
State Capitol
415 South Beretania Street

TESTIMONY OF LOWELL K.Y. CHUN-HOON

RE: GM 726, CONFIRMATION OF CLARK HIROTA TO THE HAWAII LABOR RELATIONS BOARD

Thank you for the opportunity to present testimony regarding the nomination of Clark Hirota to the Hawaii Labor Relations Board. I am pleased to support his nomination.

I have practiced labor law in Hawaii for more than 46 years and have represented public and private sector unions during that time, although I offer this testimony purely in my capacity as a private citizen. My practice includes a number of past appearances before the Hawaii Labor Relations Board and the National Labor Relations Board, and representing unions in hundreds of labor arbitrations since 1977. I also have had the good fortune to have served as Mr. Hirota's supervisor early in his career, when he was a young lawyer and associate at the lawfirm of King, Nakamura & Chun-Hoon from 1998-2004.

Mr. Hirota's resume attests to the vast and varied nature, as well as the depth, of his industrial relations experience. He has regularly confronted and addressed many of the most difficult and trying issues in this field of specialization-- employee discipline, seniority, personnel selection, outsourcing, union recognition, and the fair conduct of representational elections. I cannot say that I have always agreed with the positions he has taken on behalf of his institutional clients, and I do not anticipate I will agree with all of his future decisions, but I am confident that he will approach the task of adjudication with an open mind, an even temperament, and a passion to achieve justice. Moreover, he will handle the resolution of these disputes with a combination of common sense, intellectual rigor, and practicality that will promote fair and harmonious collective bargaining.

Although he is designated to be the Employer representative on the Board, I also know from direct personal experience that he is a person of compassion, generosity, and humility. He will be a gracious and supportive colleague to other board members. Behind his devotion to duty

and principle, there lies a quiet and refreshing sense of humor. That quality can be precious in the contentious realm of labor relations.

I remember that as a young attorney he was supportive but critical in his evaluation of the claims of each client, but took pains to assure that every client was given an opportunity to be heard and effectively represented, irrespective of what he personally thought of the merits of the client's claim. Mr. Hirota was skilled at cross examination and judicious in knowing the limits and boundaries of what he could honestly argue that was consistent with provable fact and in conformity with legal precedent. He was balanced and analytically precise in his legal judgments.

I also recall in particular that he was assigned to represent an immigrant worker at a major neighbor island resort who had been discharged. The employee had overzealously used powerful cleaning chemicals to clean a massive fish pond. While the pond was cleaned immaculately, the employee did not foresee the disastrous effect it would have on the population of beautiful koi.

Despite this ecological catastrophe, Mr. Hirota succeeded in securing the reinstatement of the grievant, and the grateful employee presented him, following his reinstatement, with a dignified sandstone carved nameplate for his desk. The case result was gratifying and reflected superb legal advocacy in overcoming serious but entirely unintentional employee misconduct.

In sum, I applaud Governor Green's appointment of Mr. Hirota to the Hawaii Labor Relations Board because Mr. Hirota is a person of unassuming integrity who has, as noted above, demonstrated high legal competence, firm adherence to ethical principles, and sound judgment and discretion. I urge that the Committee swiftly confirm his nomination.

Florencio C. Baguio, Jr.
67-225 Kaliuna Street
Waialua, Hawaii 96791

April 13, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
and Members of the Senate Committee on Labor and Technology
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

**Re: Governor's Message No. 726
Submitting for Consideration and Confirmation
to the Hawaii Labor Relations Board,
Gubernatorial Nominee CLARK HIROTA
for a Term to Expire 6/30/2030**

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

It is my sincere honor and privilege to testify in my personal capacity in **strong support** of Clark Hirota's nomination and confirmation to the Hawaii Labor Relations Board.

I have known Clark for over 25 years both professionally and personally as a close friend. We have worked together as private attorneys at King, Nakamura & Chun-Hoon, as Deputies Corporation Counsel at the City and County of Honolulu, as members of the Hawaii Health Systems Corporation Merit Appeals Board, and currently as colleagues at the City and County of Honolulu, Department of Human Resources.

Clark's education, professional work experience, and accomplishments in his resume require little elaboration. He has a deep knowledge and understanding of the relevant federal, state, and local labor laws, including HRS Chapters 76, 78, and 89, and the various public employer collective bargaining agreements. Throughout our careers, I have had a front-row seat witnessing how Clark applies his knowledge of the law and CBAs to actual situations. I have personally observed Clark counsel with empathy a union member client whose livelihood Clark is seeking to regain through arbitration. He has just as adeptly advised high-level management executives on labor issues before the HLRB. Clark's analytical and adjudicative skills have also shown out as he thoroughly questioned parties and their counsel before making decisions while we served together on the HHSC MAB. All the above knowledge and skills would transfer perfectly to his work on the HLRB.

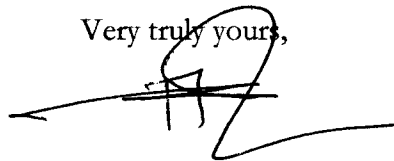
The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
and Members of the Senate Committee on Labor and Technology
April 13, 2024
Page 2

On a personal level, Clark is an extremely loyal friend who will go out of his for you, whether to pick up your lunch, start your stalled truck, or find your lost ball on the golf course. More importantly, Clark is a terrific family man raising two accomplished daughters with his awesome wife.

In closing, I sincerely believe Clark's confirmation to the Board would allow Clark to utilize his knowledge, skills, and abilities to serve our broader labor community and the people of Hawaii.

Thank you for this opportunity to testify in **strong support** of Clark Hirota's nomination and confirmation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Baguio, Jr.', with a long horizontal line extending to the left and a shorter one to the right.

Florencio C. Baguio, Jr.

/bb

TESTIMONY OF TOM CESTARE

Thank you for the opportunity to present testimony regarding the nomination of Clark Hirota to the Hawaii Labor Relations Board.

I am the former head of the National Labor Relations Board's Sub-Regional Office in Honolulu and worked for the NLRB for more than forty years. I am also currently a labor arbitrator and mediator. My testimony and endorsement of Mr. Hirota, however, is purely in my capacity as a private citizen who has known and worked with him in the past.

Trust and integrity are the cornerstones of stable and effective labor relations, and Mr. Hirota has embodied those qualities during the many years I have known him. While collective bargaining and grievance adjudication is an area which sometimes provokes significant conflict and disagreement, Mr. Hirota has always demonstrated thoughtfulness, patience, and an open-minded and even-tempered manner in dealing with others while remaining committed to principle and the interest of the parties he represented.

The Hawaii Labor Relations Board performs an essential role regulating public and private sector industrial relations to ensure compliance with the legal standards of fair and proper conduct between employers, employees, and unions and is vital to ensuring justice and harmony in the workplaces across our state. Mr. Hirota holds the experience and qualifications necessary to perform these responsibilities with distinction.

Most recently, he has served as a Labor Relations Specialist for the Department of Human Resources, City & County of Honolulu for twenty-five years. As the department's senior Labor Relations Specialist, he often handled the City's most complex and demanding labor collective bargaining grievances and prohibited practices. For five years from 2017 – 2022 he was also a panel member of the Hawaii Health Systems Corporation's Merit Appeals Board deciding contested cases arising under that agency's jurisdiction. He also served briefly in 2007 as a Labor Counselor in the Office of the Staff Judge Advocate for the U.S. Army, gaining additional exposure to federal adjudications with the Merit Systems Protection Board, Federal Labor Relations Authority, and Equal Employment Opportunity Commission.

Beyond this broad and useful background, Mr. Hirota has served as a lawyer for both Employers and Unions. From 2004-2006 and 2007-2008, he was a Deputy Corporation counsel, representing the Honolulu Liquor Commission and the City and County of Honolulu in interest arbitration with the Hawaii Government Employees Association, as well as HLRB and workers' compensation cases. Most significantly, Mr. Hirota began his career with six years as an associate lawyer for one of the state's oldest union labor law firms, King, Nakamura & Chun-Hoon, where he not only was deeply involved in labor arbitration and employment law but client representation in family law, estate planning, workers' compensation and personal injury cases.

Finally, his unusually comprehensive range of legal experience is complemented by service as a legislative staff attorney to Representative Mike White and four years as an investigator of complaints by Hawaiian Homelands beneficiaries with the Hawaiian Claims Office of the Department of Commerce and Consumer Affairs.

In brief, Mr. Hirota brings extensive direct experience with the subject matter handled by the Hawaii Labor Relations Board; a unique range of labor relations background representing all stakeholders in public and private labor relations; and personal qualities of intelligence, impartiality and integrity that make him superbly qualified for this vital position.

DAWN TAKEUCHI APUNA

April 10, 2024

Chair Henry J.C. Acquino
Vice Chair Sharon Y. Moriwaki
and Members of the Senate Committee on Labor and Technology
State Capitol
415 South Beretania St.
Honolulu, HI 96813

Dear Chair Acquino, Vice Chair Moriwaki, and Members of the Committee:

I am in **strong support** of the nomination of **CLARK HIROTA** to the Hawaii Labor Relations Board under Governor's Message No. 726.

I have known and worked with Mr. Hirota in his capacity as a Labor Relations Specialist for the Department of Human Resources, City and County of Honolulu (CCH), since January 2021, when I became Deputy Director and later Director of the Department of Planning (DPP) and Permitting, CCH. During this time of significant change at DPP, I've encountered many serious and complex personnel matters, including federal indictments, personnel investigations, substandard performance reviews, grievances, etc. Mr. Hirota's years of experience, intelligence, problem-solving skills and even temperament have made him a well-trusted partner in navigating through the many challenges at DPP. He has always been a dependable source of knowledge and advisement in each and every situation. I particularly find Mr. Hirota to be fair in his assessment of any problem and masterful in communicating the complete context, and potential implications and paths forward for the situation.

I am certain that Mr. Hirota will be a valuable asset to the Hawaii Labor Relations Board with his wealth of experience, knowledge, critical thinking and good judicial temperament. And simply, he's a good guy.

Thank you for this opportunity to provide this testimony in strong support.

Very truly,



Dawn Takeuchi Apuna

GM-726

Submitted on: 4/10/2024 4:05:38 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolee C. Kubo	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in SUPPORT of Clark Hirota's confirmation to serve on the Hawaii Labor Relations Board with a term to expire on June 30, 2030.

My name is Carolee C. Kubo. I was the Director of Human Resources for the City and County of Honolulu from January 2013 through December 2020. I had been working in the Labor Relations arena since May 1990 and had experienced a myriad of Labor Relations matters over the next 30 years.

I met Clark Hirota back in 2011 during a Labor Related consultation matter. I had worked with Mr. Hirota as the Director of Human Resources while at the City and County until my retirement in December 2020. Mr. Hirota has been working in many areas of Labor Relations over his career and is certainly well-rounded in many areas. His legal background will certainly serve him well on the State of Hawaii Labor Relations Board. I have know Mr. Hirota to be very resourceful and responsive to me as the Human Resource Director.

I have complete confidence that Mr. Hirota will be a valuable asset to the Hawaii Labir Relations Board and urge your confirmation.

Thank you very much for this opportunity to submit my testimony IN SUPPORT of Mr. Clark Hirota.

GM-726

Submitted on: 4/11/2024 7:06:32 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Kaya	Individual	Support	Written Testimony Only

Comments:

Support

GM-726

Submitted on: 4/11/2024 9:52:34 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
john mukai	Individual	Support	Written Testimony Only

Comments:

I have known clark hirota since 2005, as we both were deputies corporation counsel at the City and County of Honolulu and throughout my tenure through 2017. Clark is very knowledgeable in labor and employment, and will definitely be a major improvement to the HLRB if appointed.

john mukai

GM-726

Submitted on: 4/11/2024 10:53:47 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Ota	Individual	Support	Written Testimony Only

Comments:

Honorable Chair Aquino and Members of the Committee,

My name is Ryan Ota and I strongly support the confirmation of Clark Hirota to the Hawaii Labor Relations Board.

I have known Mr. Hirota for over 20 years in both a professional and personal capacity and know that he is an excellent candidate for the Board as he has decades of experience relating to employment law issues.

As colleagues at the City and County of Honolulu, I had many occasions to consult with Mr. Hirota on various issues and he would always provide valuable insight and feedback on a plethora of topics. He was both contemplative when he provided his input and receptive of counter points which provided him the tools to make good decisions.

On the personal side, Mr. Hirota is a generous friend who often shares his homemade picked mango and cucumber kim chee with friends. He is also a competitor who is always willing to play pickleball or racquetball with anyone who's interested no matter their skill level. These characteristics are also what makes him qualified to serve as a board member. I believe that in order to make learned decisions, one must have knowledge of the subject matter as well as being compassionate, empathetic, and competitive.

I sincerely hope that this Committee will also support the nomination of Mr. Hirota to the full Senate for consideration and consent to be a board member. I know that he will be a valued member of the Board.

Very truly yours,

Ryan Ota

GM-726

Submitted on: 4/11/2024 10:35:55 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Francis Keeno	Individual	Support	Written Testimony Only

Comments:

I am testifying in SUPPORT of GM 726, to confirm CLARK HIROTA to the Hawaii Labor Relations Board. I have been a co-worker and colleague of Mr. Hirota for 6 years (Nov. 2014 to Sept. 2020), when I was employed as a Labor Relations Specialist with the Department of Human Resources, City and County of Honolulu.

During this time, Mr. Hirota has demonstrated a wealth of knowledge and experience in both Labor Relations and Collective Bargaining matters. More importantly, Mr. Hirota has exhibited "judicial temperment" when dealing with opposing counsel, when pushing for mutually-agreeable resolutions to conflicts, and when approaching labor relations and collective bargaining grievances and negotiations. Mr. Hirota will provide a practical and balanced perspective to the adjudication of Prohibited Practice Complaints litigated before the Board.

I respectfully request that the Senate Labor and Technology Committee pass GM 726 out of committee, with the recommendation to the full Senate to confirm Mr. Hirota to the HLRB.

Respectfully submitted,

Francis Paul Keeno

GM-726

Submitted on: 4/12/2024 9:38:01 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Kinoshita	Individual	Support	Written Testimony Only

Comments:

I have worked with Clark Hirota for over 13 years. During that time, he has demonstrated to me a thorough understanding of employee rights to organize and bargaining collectively, as well as rights of the employer to manage operations. I believe he is more than capable of fairly resolving labor disputes as a member of the Hawaii Labor Relations Board.

Ernest H. Nomura
c/o 530 South King Street, Room 110
Honolulu, Hawaii 96813

April 12, 2024

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Committee on Labor and Technology
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Senator Aquino and Senator Moriwaki:

Re: Clark Hirota's Consideration and Confirmation to the Hawaii Labor Relations Board

I respectfully request that the Committee on Labor and Technology and ultimately the full Senate confirm the nomination of Mr. Clark Hirota to be a member of the Hawaii Labor Relations Board ("HLRB"). I have been a member of the Hawaii Bar since 1988, and have practiced law in the State of Hawaii before all state and federal trial courts and appellate courts. I focus my practice in labor and employment law. I have over twenty years of practicing law as a partner at two major Honolulu law firms and, since 2011, I have been a Deputy Corporation Counsel with the Department of the Corporation Counsel, City and County of Honolulu. I head the Personnel and Public Safety Section of the Counselling and Drafting Division of the Department of the Corporation Counsel. In this capacity, I have worked closely with Mr. Hirota on labor and employment matters and legal issues involving City employees and the various public unions. I believe that I have personal knowledge and insights to provide a meaningful recommendation related to Mr. Hirota's qualifications to be a member of the HLRB.

Mr. Hirota has the judicial temperament, deep understanding of state and federal labor laws, administrative law, court and HLRB rules, Hawaii and Federal Rules of Civil Procedure and Hawaii and Federal Rules of Evidence. He has demonstrated to me that he has strong writing skills, legal research and analysis skills, and is able to weigh law and facts to make sound and prudential decisions and recommendations. At the same time, Mr. Hirota has an affable sense of humor and is humble and kind. He has never shown me that he is "partisan" in terms of favoring labor or management in his analysis of the law and facts presented. I believe that he will treat all parties who appear before the HLRB with fairness, professionalism, and respect. This is critical to the practice before the HLRB before which labor and management representatives and lawyers often are blinded by their respective partisan, zealous and polarized positions. Board members should act with respect and decency and apply the law and facts fairly and predictably, guided by precedent and sound legal analysis. Mr. Hirota will do so. "Donning the robes" of decision maker as a member of the HLRB (or other judicial or quasi-judicial positions) may often result in self-important arrogance, but Mr. Hirota's fair, fundamentally decent, prudential, and humble background and experience will not, I am confident, allow for this kind of metamorphosis. I urge his swiftest and unanimous confirmation.

Respectfully submitted,

Ernest H. Nomura

GM-726

Submitted on: 4/12/2024 3:23:13 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lissa Marie Lau	Individual	Support	Written Testimony Only

Comments:

RE: GM726 Clark Hirota for consideration and confirmation to the Hawaii Labor Relations Board for a term to expire 06-30-2030.

I strongly support the nomination and confirmation of Clark Hirota to serve on the Hawaii Labor Relations Board (HLRB) and believe he will exceed all expectations.

Clark's skills and background in labor relations align perfectly with the mission of the HLRB. He is an excellent communicator and analytical thinker with strong problem-solving skills. His expertise in dispute resolution, contract negotiations and collective bargaining will be an invaluable asset to the HLRB.

I urge you to support Clark Hirota for consideration and confirmation to the HLRB.

GM-726

Submitted on: 4/13/2024 2:47:41 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tracyn Miyashiro	Individual	Support	Written Testimony Only

Comments:

I have known Clark Hirota, personally and professionally, for over 16 years and I strongly support his nomination.

GM-726

Submitted on: 4/13/2024 8:42:00 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Fay Abeshima Chang	Individual	Support	Written Testimony Only

Comments:

Senator Henry J.C. Aquino, Chair

Committee on Labor and Technology

Hearing on Tuesday, April 16, 2024 at 10:00am

Dear Senator Henry J.C. Aquino, Chair, and Members of the Committee on Labor and Technology

RE: IN SUPPORT of GM 726, Gubernatorial Nominee, Clark Hirota

My name is Fay Abeshima Chang and I am a Hawaii resident living in the Kapahulu area.

I am in support of the Gubernatorial Nominee, Clark Hirota. I have known Mr. Hirota for about 20 years while working in the Department of Human Resources at the City and County of Honolulu. Mr. Hirota is intelligent, a hard worker, and was always a great “go to” person to bounce ideas off of. His work ethic is outstanding and he would be a valuable and contributing member of the Hawaii Labor Relations Board.

Thank you for the opportunity to submit my testimony in support of GM 726.

Sincerely,

Fay Abeshima Chang

GM-726

Submitted on: 4/14/2024 10:35:21 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul T Tsukiyama	Individual	Support	Written Testimony Only

Comments:

Chair and Committee Members:

Aloha, my name is Paul Tsukiyama, retired attorney, and am testifying in support of the nomination of Mr. Clark Hirota to the Hawaii Labor Relations Board (HLRB).

I served as Deputy Corporation Counsel for the City and County of Honolulu from 1997-2007 as the Section Head of the Department's Labor and Employment Division. During that period, I practiced extensively before the HLRB. I had the privilege of serving as Mr. Hirota's supervisor for several years and attest without reservation as to his excellent work as the City's legal representative before the HLRB. Mr. Hirota came to the City after working for years as an advocate for labor union members, and made the transition to employer advocate seamlessly. Mr. Hirota's years of experience has provided him the knowledge of all aspects of the labor/employment arena. I am unaware of any individual who who possesses better qualifications than Mr. Hirota to serve as the Employer Representative on the HLRB. I wholeheartedly support his nomination.

Dale K. Yashiki
46-369 Haiku Road, Apt. D4
Kaneohe, Hawai'i 96744

April 13, 2024

The Honorable Henry J. C. Aquino, Chair
The Honorable Sharon Y Moriwaki Vice Chair, and
Members of the Senate Committee on Labor and Technology
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: GM 726 – Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, gubernatorial nominee, Clark Hirota, for a term to expire 06-30-2023

Dear Chair Aquino, Vice Chair Moriwaki, and Senate Labor and Technology Committee Members:

I am writing today to urge you to confirm Clark Hirota as the Employer member to the Hawai'i Labor Relations Board, Department of Labor and Industrial Relations, State of Hawai'i.

I have known Mr. Hirota since approximately 1997 and worked with him as a fellow associate in the King, Nakamura and Chun-Hoon law firm (KNC-H) for approximately six years. We have remained friends over the past 20 years since our days working at KNC-H. As the senior associate, I informally reviewed Mr. Hirota's legal work, which primarily consisted of representation of unions and their members.

Since leaving KNC-H, Mr. Hirota has continued his work in the labor arena, representing the City and County of Honolulu as both a Deputy Corporation Counsel for approximately four years, and as a Labor Specialist in the Department of Human Resources for approximately sixteen years. His background makes him uniquely skilled for the position for which Governor Green has nominated him.

As an associate with KNC-H, Mr. Hirota was a zealous and skillful advocate for the rights of unions and their members. He successfully challenged members' disciplinary actions via arbitration, and similarly enforced their rights under their respective collective

The Honorable Henry J. C. Aquino, Chair
The Honorable Sharon Y Moriwaki Vice Chair, and
Members of the Senate Committee
Page 2

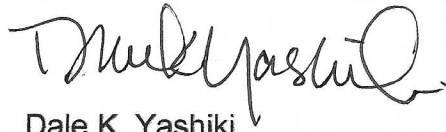
April 13, 2024

bargaining agreements. He applied the same zeal to his representation of the City and County of Honolulu as an employer representative in labor disputes. Mr. Hirota's background and extensive experience in the labor arena on both sides of the arbitration table makes him the ideal candidate for the Employer member of the Hawai'i Labor Relations Board. I have no doubt that he will bring with him a balanced perspective shaped by his many years of significant experience in dealing with labor disputes.

Furthermore, Mr. Hirota's extensive experience in the practice of law has implanted in him an instinctive and thorough understanding of labor law and its processes, which will immensely benefit the Hawai'i Labor Relations Board and the parties who appear before it. His strong work ethic and sense of fair play will ensure that the integrity of the Board's processes will be preserved and perpetuated.

I know my friend and colleague to be a fair-minded individual who carefully considers all the relevant facts of each case on which he works, and whose decisions are driven by those facts. As an attorney who worked in the labor arena for 27 years in private practice and most recently for the National Labor Relations Board, I know what skills and qualifications an effective Board member should bring with them. For this reason, I have every confidence that Mr. Hirota will be an outstanding addition to the Hawai'i Labor Relations Board. I urge you to confirm his appointment to the Board and thank you for your favorable consideration of Mr. Hirota's nomination.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale K. Yashiki". The signature is fluid and cursive, with a large, stylized initial "D".

Dale K. Yashiki

GM-726

Submitted on: 4/14/2024 10:18:28 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valerie Sumida	Individual	Support	Written Testimony Only

Comments:

Please accept my testimony in support of Clark Hirota's nomination to the Hawaii Labor Relations Board. I have worked with Clark for almost 5 years as a fellow Labor Relations Specialist. He has an insightful understanding and knowledge of employee rights to organize and bargain collectively. He can quickly analyze employer and employee issues from different angles which can be very helpful in settling disputes. Clark Hirota will make a great addition to the Board. Thank you for your time.

Derek T. Mayeshiro, Esq.
98-444 Kilinoe Street, #702
Aiea, Hawaii 96701

April 15, 2024

Sen. Henry J.C. Aquino, Chair
Sen. Sharon Y. Moriwaki, Vice Chair
And Members of the Committee On Labor
and Technology
415 South Beretania Street
Conference Room 225
Honolulu, Hawaii 96813

Re: Gubernatorial Nominee: Clark Hirota
 State Board: Hawaii Labor Relations Board
 Hearing: April 16, 2024, 10:00 a.m.

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee On Labor and Technology,

Please accept this letter in high support for Clark Hirota's nomination to the Hawaii Labor Relations Board. I have known Clark for over 30 years starting when we both attended Seattle University, School of Law. Through the years, we have remained close friends and have worked together at the City and County of Honolulu ("City").

Presently, Clark advises the City's Department of Customer Service where I work as the Deputy Director. Clark continuously provides sage and insightful advice on labor relations issues. His advice is always multifaceted highlighting both the employer's and employee's perspective because as an attorney, Clark has advocated for union members and for management. With this balanced labor background, he is well suited to become a member of the Hawaii Labor Relations Board. In addition to his knowledge and experience, Clark is intelligent, hard-working, and dedicated to public service.

I am very pleased to testify in high support for Clark Hirota's nomination.

Sincerely,

/s/ Derek T. Mayeshiro
Derek T. Mayeshiro

April 14, 2024

The Honorable Ronald D. Kouchi, President
and Members of the Senate
Thirty-Second Legislature
Hawaii State Capitol, Room 409
Honolulu, Hawaii 96813

Re: Governor's Message 726, Nominating Clark Hirota to the Hawaii Labor
Relations Board

Dear President Kouchi and Members of the Senate:

I am submitting testimony in strong support of Clark Hirota's nomination to the Hawaii Labor Relations Board. I have worked with Mr. Hirota since 2009, when I first joined the City as the Administrative Services Officer for the Department of Enterprise Services (DES). At that time, DES had many old and unresolved grievances and very poor relationships with the unions. As the assigned Labor Relations Specialist for our department, he was instrumental in providing much needed guidance in the area of labor relations. It was largely because of his counsel that DES was able to build strong professional working relationships with the unions, enabling us to close out and resolve many of our long-standing grievances.

I continued to rely upon Mr. Hirota's labor relations knowledge even after I moved to another City department, especially when complaints and grievances escalated to dire levels. His decades long labor relations career and legal background make him an expert in this area, which is why he is heavily relied upon by his co-workers within the City.

In 2021, I returned to the city and am currently the Director for the Department of Customer Services (CSD). Mr. Hirota is once again the Labor Relations Specialist assigned to my department, and we continue to rely on him to think through contentious situations, and advise on solutions that not only enable CSD to resolve issues, but also mitigate negative outcomes. He continues to advise quickly and competently enabling CSD to work through very difficult situations.

I have complete confidence that Mr. Hirota will be an excellent addition to the Hawaii Labor Relations Board, and respectfully urge you to confirm him in this role.

Sincerely,

Kimberly M. Hashiro

hashirok001@hawaii.rr.com

GM-726

Submitted on: 4/15/2024 6:51:07 AM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Nakama-Amerino	Individual	Support	Written Testimony Only

Comments:

Mr. Hirota will be a valuable asset as a member of the Hawaii Labor Relations Board. I have been working with Mr. Hirota for the past four years and his work ethic is above and beyond. His knowledge of laws and collective bargaining is immense which enables him to make accurate decisions. I am in full support of Mr. Hirota. Thank you for your time in hearing my testimony.

Revised 4/15/24
by mail

LATE

THE SENATE
KA 'HA KENEKOA

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Hearing: Tuesday, April 16, 2024

Time: 10:00 a.m.

Place: Conference Room 225 & Videoconference

State Capitol

415 South Beretania Street

TESTIMONY OF E. JOHN McCONNELL

RE: GM 726, CONFIRMATION OF CLARK HIROTA TO THE HAWAII LABOR RELATIONS BOARD

Chair Aquino, Vice Chair Moriwaki, Member of the Committee on Labor & Technology,

Thank you for the opportunity to testify regarding the nomination of Clark Hirota to the Hawaii Labor Relations Board. I am pleased to endorse his confirmation.

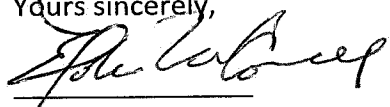
I am a retired Maui Circuit Court judge and have since 1998 served as a full-time arbitrator and mediator in over 1000 civil matters, including many public and private sector labor grievances, wrongful discharge cases, and discrimination claims. For several years I was also Chair of the Labor and Industrial Relations Appeals Board, State of Hawaii.

Mr. Hirota appeared before me early in his career when I served as a labor arbitrator and he represented a discharged hotel employee on behalf of a major labor union. Since that time he has acquired twenty years of wide ranging labor relations experience as a Labor Counselor for the U.S. Army, a Deputy Corporation Counsel for the City & County of Honolulu, and most recently as a Labor Specialist for the City & County of Honolulu and a member of the Hawaii Health Systems Corporation Merit Appeals Board.

These varied experiences have ably prepared him to serve on the Hawaii Labor Relations Board, and to harness the energies public sector employees in determining their conditions of work and engaging in rational methods of resolving workplace disputes and work stoppages. Mr. Hirota's calm, thoughtful, and deliberate manner, as well as his superior knowledge of the intricacies of collective bargaining, union elections and electioneering, as well as prohibited practices, should enable him to fulfill the demands of his new position with distinction.

Productive and harmonious labor relations are often dependent upon having insight into the vagaries of human nature, intelligence, common sense, sheer persistence, and the capacity to build and sustain trust. These are qualities that Mr. Hirota possesses and has displayed, and it is therefore without hesitation that I support his confirmation.

Yours sincerely,



E. John McConnell

GM-726

Submitted on: 4/15/2024 1:20:20 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslie Chinn	Individual	Support	Written Testimony Only

Comments:

I strongly support the confirmation of Clark Hirota for the Hawaii Labor Relations Board (HLRB) Member position. I have known Mr. Hirota professionally as a Labor Relations Manager at the City and County of Honolulu. He possesses the personal attributes necessary to be an HLRB board member as he is a good listener, patient, a clear communicator, analytical, level-headed and has over 25 years of labor experience, which includes years as a practicing labor attorney and in labor relations. I have no concern regarding his impartiality inasmuch as he has represented unions as well as employers. Mr. Hirota also has a good sense of humor and personal skills which I believe is a positive contribution to the Board. Please support his confirmation. Thank you.

GM-726

Submitted on: 4/15/2024 2:43:01 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Yim	Individual	Support	Written Testimony Only

Comments:

I am in strong suport of GM726. Thank you for the oppotunity to submit comments.

DEPARTMENT OF ENTERPRISE SERVICES

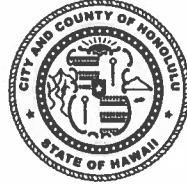
KA 'OIHANA LAWE LAWE LAWEHANA

GOLF COURSE DIVISION * HONOLULU ZOO * NEAL S. BLAISDELL CENTER * TOM MOFFATT WAIKĪKĪ SHELL

CITY AND COUNTY OF HONOLULU

777 WARD AVENUE • HONOLULU, HAWAII 96814
PHONE: (808) 768-5400 • FAX: (808) 768-5433 • WEBSITE: honolulu.gov/des

RICK BLANGIARDI
MAYOR
MEIA



DITA HOLIFIELD
DIRECTOR
PO'O

TRACY S. KUBOTA
DEPUTY DIRECTOR
PO'O KŪIKAWA

April 13, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: GM 726—Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, CLARK HIROTA, for a term to expire 06-30-2030

April 16, 2024 at 10:00 a.m.
Conference Room 225 and Videoconference

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

I am writing in strong support of Mr. Clark Hirota's confirmation to the Hawai'i Labor Relations Board (HLRB).

Mr. Hirota has been the assigned labor relations specialist to the Department of Enterprise Services for more than 13 years. I have had the pleasure of working closely with Clark since 2013, as he has spent countless hours as the lead resource assisting our department with labor-related matters. Clark possesses strong analytical skills and is measured, fair, and reliable.

He has consistently been able to analyze complicated issues and provide timely and clear interpretations, options, and explanations on various labor-related matters and disputes. Clark's guidance has allowed our department to make responsible and defensible decisions and take prompt action on issues. He has developed trusting working relationships with our staff, and has shown to possess a very straightforward, honest, and a never hesitating to address conflict-type of approach when asked for

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology
April 13, 2024
Page 2

guidance. His support has helped our department to improve our understanding of labor requirements and policy and has prompted us to review and create new best practices to follow.

Clark is professional, experienced, and an invaluable resource to our department and to the City and County of Honolulu, and the ideal person to serve on the State HLRB. I humbly urge your favorable consideration of Mr. Clark Hirota's nomination.

Thank you for the opportunity to testify in support of GM 726.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy S. Kubota", written in a cursive style.

Tracy S. Kubota
Deputy Director



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1566 FAX: (808) 952-6003
WEBSITE: www.hawaii firefighters.org

The Senate
The Thirty-Second Legislature
Regular Session of 2024

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

April 16, 2024

Gov. Message No. 726 Nomination of Clark Hirota for Consideration LBT
and Confirmation to serve on the Hawai'i Labor
Relations Board

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO represents more than 2,100 active-duty and 1,000 retired professional fire fighters throughout the State of Hawaii. The HFFA supports Governor's Message No. 726, nominating Clark Hirota for consideration and confirmation to serve on the Hawaii Labor Relations Board.

Mr. Hirota's tenure as a Labor Specialist and Deputy Corporation Counsel with the City and County of Honolulu has prepared him well to serve as a member of the Hawaii Labor Relations Board. In addition to government service, Mr. Hirota was also in private practice, concentrating in labor and employment law, which included labor arbitration and administrative hearings, and has appeared before the NLRB and HLRB advocating labor union clients.

HFFA has worked with Mr. Hirota on several contract and grievance arbitrations, and he has always been respectful of the process and to HFFA's positions on issues. We appreciate Mr. Hirota's willingness to serve on the Hawaii Labor Relations Board and we are confident that he will be an asset to the Board.

Thank you for the opportunity to testify and respectfully urge the Committee's confirmation.

Clark Hirota

April 1, 2024

Senator Henry J.C. Aquino, Chair
Senate Committee on Labor & Technology
Hawai'i State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Senator Aquino:

Re: Nomination to the Hawai'i Labor Relations Board

Here are my responses to the questionnaire:

(1) Why do you wish to be a member of the Hawai'i Labor Relations Board?

I have been involved in labor for the past twenty-seven (27) years. For the first seven (7) years of my involvement in labor, I advised and represented various labor unions both in the private and public sector. My representation of the various labor unions included counseling and advocating on their behalf in labor arbitrations and representing them in labor disputes before the HLRB and the National Labor Relations Board (NLRB). Subsequently, I began working for the Department of the Corporation Counsel, City and County of Honolulu where my role evolved into representing the employer's interest in many different forums including labor arbitration, Civil Service Commission and the HLRB. Although I am no longer with the Department of the Corporation Counsel, I am currently a Labor Relations Specialist with the Department of Human Resources, City and County of Honolulu and have been in this position for the past sixteen (16) years. As a Labor Relations Specialist, I am responsible for advising various City departments on labor matters. These matters range from, but not limited to, daily operations, negotiations, collective bargaining agreement interpretation, past practices, investigations and grievance handling and strategies. I also advocate on behalf of the City in labor arbitrations, perform training on labor matters and stand as a trier of fact for City department in contested case hearings where conflicts preclude normal hearings officers from participating in certain cases. In recent years, I was also selected to be a panel member for the Hawai'i Health Systems Corporation (HHSC) Merit Appeals Board where contested case hearings for HHSC civil service employees were adjudicated. Based on my years of experience in the field of labor and based on my experience as a hearings officer and a Merit Appeal Board member I would like to further utilize my skills and experience as the representative for management on the Hawai'i Labor Relations Board.

(2) How do you perceive the role and responsibilities of a member of the Hawai'i Labor Relations Board?

Pursuant to Hawai'i Revised Statutes §89-5(b), the HLRB is composed of three (3) members: one member represents labor, one member represents management and the third member, the Board Chair whom represents the public. My role on the HLRB would be that of the management representative. Therefore, I would be responsible for hearing and deciding matters that are brought before the HLRB with interpretations of rule and laws from the perspective of management.

(3) Given your understanding of the role and responsibilities of a member of the Hawai'i Labor Relations Board, why do you believe that you are qualified for the position? Please include a brief statement of your skills, expertise, or knowledge that would aid in your decision-making ability as a member of the Hawai'i Labor Relations Board?

As indicated above, for the past twenty (20) years I have represented management in all facets of labor. In addition, I have also represented both private and public sector unions in all facets of labor as well. This experience has given me the unique perspective and understanding of both sides in labor matters. In my current position, I have utilized my experience in the labor arena to advocate, counsel and to resolve countless cases in labor disputes. Likewise, I will bring and use my twenty-seven (27) years of experience, including my experiences as a hearings officer, in arriving and formulating fair and well-reasoned decisions.

(4) What do you hope to accomplish during your term of service?

In my early experience with the HLRB, decisions were not issued as quickly and/or consistently as one would have wanted or expected. Having researched the number of HLRB decisions from the mid 2000's to the present, it appears that the trend has been an increase in HLRB orders and decisions. I would work tirelessly to maintain this upward trend and ensure that decisions by the HLRB are issued in a timely and consistent manner. Recently, I attended a labor/management meeting where the three HLRB members spoke and gave their thoughts about the importance of what the HLRB is and what it does. If given the opportunity, I would also like to do more outreach in the labor community, to both employees and management, to further educate people of the importance of the HLRB and the role it has to those who fall under their authority.

(5) Name three qualities that best describe you and that would make you stand out. How would these qualities benefit the Hawai'i Labor Relations Board?

First, my background and experience. Although I would be representing management, I also understand and would consider the unions' perspective on labor matters.

Consequently, I would use this experience in my decision making process to render fair, informed and well-reasoned decisions. Second, I am very passionate about the work that I do. Not only would I bring my experience with me, I would also bring the passion I have for the work that I do. During my time as an advocate for both employers and unions, I have been approached with many different offers that would have taken me away from public service. Although some of the offers were quite lucrative, it simply did not appeal to me as work that would have the same meaning as my work with the City. When approached with the possibility of being a member of the HLRB, my initial reaction was of excitement and eagerness to be able continue my public work but at a higher level of public service. The final quality I would like to mention is fairness. In dealing with public sector unions for the past twenty (20) years, I believe myself to be fair in the handling of labor disputes and in counseling various City departments on how to handle matters stemming from collective bargaining. I have been able to resolve matters between the employer and unions by coming up with solutions that are both fair and reasonable to both sides. With the three qualities mentioned here, I strongly believe that if given the opportunity, I would be an asset to the HLRB and to the labor community.

(6) Name one previous experience that would make you stand out. How would this benefit the Hawai'i Labor Relations Board?

The type of experience I think would stand out most would be those where I was given a task to complete that fell outside the scope of my normal work duties which I was able to successfully complete. Although I have been put in many similar type situations, the experience that I feel is appropriate in this context would be the time I was assigned to prosecute cases for the City Liquor Commission. There was a period of over two (2) years where the assigned Deputy was delinquent in prosecuting liquor license violations. This resulted in a backlog of a couple of hundred cases that needed to be scheduled and heard along with other violations that were being issued on a daily basis. To deal with the backlog, I had to become well versed in liquor laws and how to proceed with the process. Therefore, in addition to my regular full-time work on labor and employment matters, I was also tasked with prosecuting cases for the Liquor Commission who convened once a week. In less than a year, I was able to clear the backlog, as well as addressing the daily violations, by scheduling and hearing the cases. I grew so immersed in my additional assignment at the Liquor Commission that I also developed training for their inspectors and staff on various subjects

Clark Hirota
Nomination to the Hawai'i Labor Relations Board
Responses to Senate Questionnaire
April 1, 2024
Page 4

(7) Can you foresee any possible conflicts of interests that could arise during your service on the Hawai'i Labor Relations Board? How would you overcome any possible conflicts of interest?

I do not see any possible conflict of interests arising as I have not advocated on behalf of the City and County of Honolulu before the Hawai'i Labor Relations Board since 2007. If a conflict were to arise, however, I would be bound by any rules of ethics and/or rules of professional responsibilities that apply. Should this occur I would have to recuse myself from that particular case to avoid any appearance of impropriety. If a perceived conflict were to arise which did not rise to a level for which I would be bound to recuse myself, I am confident that I would be able to issue an objective decision on the matter.

If there are any other questions or if there is anything else I can provide you with, please do not hesitate to ask. Again, I thank you for your time and for giving me the opportunity to be considered for the representative of management on the Hawai'i Labor Relations Board.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Clark Hirota', written in a cursive style.

Clark Hirota



**International Association of
Heat & Frost Insulators
& Allied Workers Local 132**

LATE

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The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology
Hawai'i State Capitol, Room 225
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

Re: G.M. 726 Submitting for consideration and confirmation to the
Hawai'i Labor Relations Board, Gubernatorial Nominee,
Clark Hirota, for a term to expire 06-30-2030

I strongly support the nomination of Clark Hirota, as the Management Representative to the Hawai'i Labor Relations Board. I have known Mr. Hirota for almost twenty years. During that time, he has exhibited a keen knowledge of labor and employment law based on his years of experience in the field. If given the opportunity, I am confident that he will be an asset to Hawai'i Labor Relations Board and to the local labor community as well.

Respectfully submitted,

Douglas Fulp
Business Manager
Heat & Frost Insulators & Allied Workers Local 132