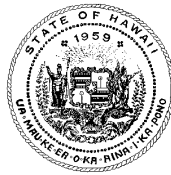


JOSH GREEN, M. D.  
GOVERNOR  
KE KIA'ĀINA

SYLVIA LUKE  
LT. GOVERNOR  
KA HOPE KIA'ĀINA



BRENNA H. HASHIMOTO  
DIRECTOR  
KA LUNA HO'OKELE

BRIAN K. FURUTO  
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  
**BRENNA H. HASHIMOTO**  
Director, Department of Human Resources Development

Before the  
**HOUSE COMMITTEE ON LABOR**  
Tuesday, March 11, 2025  
9:30 AM  
State Capitol, Conference Room 309

In consideration of  
**SB717 SD1, Relating to Collective Bargaining**

Chair Sayama, Vice Chair Lee, and the members of the Committee.

The Department of Human Resources Development (HRD) opposes SB717 SD1, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge and would allow any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge. We respectfully oppose this measure for the following reasons:

- **Inconsistent with At-Will Employment** - Granting the right to grieve a suspension or discharge to employees exempt from civil service is not consistent with the nature of their employment, which is considered "at will." Unlike civil service employees, exempt employees are not hired based on the merit principle, and their employment is contingent upon the appointing authority's discretion.
- **Existing Legal Protections** - While "at will" employment allows for termination at the employer's prerogative, all actions taken against exempt employees must still comply with federal and state employment laws. This ensures protection against unlawful employment practices.
- **Broad Application and "Discharge"** - Under Act 253, SLH 2000, the term "discharge" replaced "dismissal" and "termination" and applies broadly covering both **misconduct-based terminations and administrative separations** such as the conclusion of a temporary appointment, the end of a not-to-exceed (NTE) period, or resignation. Since all exempt appointments within the Executive Branch are **temporary**, this measure could **unintentionally expand the scope of grievable actions** to include non-renewals at the end of an appointment.
- **Job Security Distinctions** - Exempt employees should not be afforded the

same job protections as civil service employees, as outlined in HRS §76-1. The civil service system is designed to provide job security based on the merit principle, which does not apply to exempt positions.

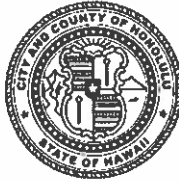
- **Existing Avenues for Appeal** – Exempt employees **already have recourse** to challenge a suspension or discharge through the **Internal Complaint Procedure** of the employing department, providing an avenue for review without altering the fundamental nature of their employment.

HRD respectfully requests that the Committee not pass this measure. We are available to answer any questions or provide further information as needed.

**DEPARTMENT OF HUMAN RESOURCES  
KA 'OIHANA HO'OMOHALA LIMAHANA  
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
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MEIA



NOLA N. MIYASAKI  
DIRECTOR  
PO'O

FLORENCIO C. BAGUIO, JR.  
ASSISTANT DIRECTOR  
KOKUA PO'O

March 11, 2025

The Honorable Jackson D. Sayama, Chair  
The Honorable Mike Lee, Vice Chair  
and Members of the House Committee on Labor  
House of Representatives Room 309  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Sayama, Vice Chair Lee, and Members of the Committee:

**SUBJECT: Senate Bill No. 717, Senate Draft 1 Relating to Collective Bargaining**

The Department of Human Resources, City and County of Honolulu, understands the intent of Senate Bill No. 717, Senate Draft 1, which would repeal the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge, unless the relevant collective bargaining agreement specifically provides otherwise. We note that this is a matter that has previously been specifically delegated as a matter for parties to collectively bargain over, and that, generally, issues subject to collective bargaining are preferred to remain subject to collective bargaining versus legislative action.

We thank you for giving us the opportunity to submit our comments on this matter.

Sincerely,

A handwritten signature in black ink, reading "Nola N. Miyasaki".

Nola N. Miyasaki  
Director



## UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

### HOUSE OF REPRESENTATIVES THE THIRTY-THIRD LEGISLATURE REGULAR SESSION OF 2025

**COMMITTEE ON LABOR**  
Rep. Jackson D. Sayama, Chair  
Rep. Mike Lee, Vice Chair

Tuesday, March 11, 2025, 9:30 AM  
Conference Room 309 & Videoconference

**Re: Testimony on SB717, SD1 – RELATING TO COLLECTIVE BARGAINING**

Chair Sayama, 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.

UPW supports SB717, SD1, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge. This measure also allows any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge.

While there are currently no exempt positions that would be represented by UPW should this bill become law, we believe that all public employees should have the right to grieve a suspension or discharge in a manner that is consistent with the protections available to civil service employees. Furthermore, this legislation would ensure that all public employees, regardless of their employment status, are treated fairly.

Mahalo for this opportunity to testify in support of this measure.

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Randy Perreira  
President

# HAWAII STATE AFL-CIO

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The Thirty-Third Legislature  
House of Representatives  
Committee on Labor

Testimony by  
Hawaii State AFL-CIO

March 11, 2025

## TESTIMONY IN SUPPORT OF SB717 SD1 - RELATING TO COLLECTIVE BARGAINING

Chair Sayama, Vice Chair Lee, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 union members in Hawaii. The AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, ensuring safe working conditions, and supporting policies that strengthen Hawaii's workforce.

We are in support of SB717 SD1, which allows exempt employees to grieve suspensions and discharges. Exempt positions have expanded significantly in state government, yet these employees are denied the ability to challenge disciplinary actions, despite being covered by collective bargaining agreements.

This measure addresses that inequity by ensuring exempt employees are treated fairly, especially as they take on roles historically performed by civil service workers. Strengthening workplace protections will improve morale, enhance retention, and make state employment more competitive in attracting qualified workers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira  
President



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirty-Third Legislature, State of Hawaii  
The House of Representatives  
Committee on Labor

Testimony by  
Hawaii Government Employees Association

March 11, 2025

### S.B. 717, S.D. 1 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 717, S.D. 1, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge and allows any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge.

The creation of exempt positions within state government was originally intended for services that were deemed unique and/or temporary for the state. Currently, we believe that the use of exempt positions has strayed away from its original intent. Over these past few years, we have seen an increase in the use of exempt positions, which in large part, is likely due to our lethargic civil service hiring process, and our states inability to increase position pay to a competitive rate. According to the Executive Branch Workforce Profile report submitted to this body each year, in 2020 there was 1715 exempt employees within the State Executive Branch under the personnel system administered by DHRD, today there is 2390 exempt employees, which reflects a significant increase in the use of exempt positions. To note, the total number of civil service employees have decreased within that highlighted timeframe. The ugly truth is that positions that have been historically provided by civil servants may now be provided by exempt employees or a combination of both.

Although these employees are covered under their respective collective bargaining agreement's pursuant to Chapter 89 HRS, the statue prohibits these employees from appealing any disciplinary action through the grievance process, effectively making exempt employees "at will" and not subject to just cause. Given the increase in the creation of more exempt positions, regardless of whether the exemption is true to the original intent, we find that it would be equitable to allow these employees to be covered under just cause, just like civil servants. Furthermore, fair and reasonable job security is one of the components that makes state employment attractive – we believe that this measure will help with the recruitment of employees by ensuring that they receive workplace protections that otherwise they would not be entitled too.

Thank you for the opportunity to provide testimony in strong support of S.B. 717, S.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director