

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

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



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

Before the
SENATE COMMITTEE ON LABOR AND TECHNOLOGY
Wednesday, January 28, 2026
3:00PM
State Capitol, Conference Room 225

In consideration of
SB2114, Relating to Collective Bargaining

Chair Elefante, Vice Chair Lamosao, and the members of the committee:

The Department of Human Resources Development (HRD) opposes SB2114, which repeals the prohibition on 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 any disciplinary action, including a suspension or disciplinary 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 principles, and their employment is contingent upon the appointing authority's discretion.
- **Existing Legal Protections** - While "at will" employment allows for discharge 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.
- **Contrary to Current Collective Bargaining Agreements (CBA)** – The current BU 3, 4, 13 and 14 CBAs address discipline for exempt employees, including allowing them to grieve if they meet certain conditions. Under HRS §89-19, the CBA " . . . shall take precedence over all conflicting statutes . . . and shall preempt all contrary local ordinances, executive orders, legislation, or rules adopted by the State, a county, or any department or agency thereof . . . ". Therefore, utilizing the legislative process to address matters which are negotiable subjects of collective bargaining is contrary to HRS §89-9; and undermines the collective

bargaining process. This subject should continue to be addressed through negotiations.

- **Broad Application of “Discharge”** - Under Act 253, SLH 2000, the term “discharge” replaced “dismissal” and “termination” and applies broadly, covering both misconduct-related and administrative separations such as at the conclusion of a temporary appointment, at the end of a not-to-exceed (NTE) period, or resignation. Although this measure would limit the right to grieve to disciplinary discharges, it is highly likely that exempt employees will allege their discharge is disciplinary, even if there is no evidence of progressive discipline or misconduct, leading to unnecessary expense and a waste of time and resources.
- **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.

HRD respectfully requests that the Committee hold 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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ASSISTANT DIRECTOR
KOKUA PO'O

January 27, 2026

The Honorable Brandon J.C. Elefante, Chair
The Honorable Rachele Lamosao, Vice Chair
and Members of the Senate Committee on Labor and Technology
The Senate, Room 225
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Elefante, Vice Chair Lamosao and Members of the Committee:

SUBJECT: Senate Bill No. 2114
Relating to Collective Bargaining

The Department of Human Resources, City and County of Honolulu, respectfully **opposes** Senate Bill No. 2114.

Senate Bill No. 2114 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. The bill would allow any employee who is a member of an appropriate bargaining unit to grieve any disciplinary action, including but not limited to a suspension or disciplinary discharge.

This issue is currently a subject of collective bargaining. Historically, the Legislature has allowed issues subject to collective bargaining to remain subject to collective bargaining, rather than taking legislative action. The current law does not prohibit exempt employees from grieving a suspension or discharge. It leaves this matter to be negotiated between the exclusive representative and the employer group.

Further, exempt employees are not hired using the same competitive process as civil service employees. Civil service employees qualify for their positions under the personnel system based on the merit principle specified by Hawaii Revised Statutes (HRS) § 76-1. In contrast, the hiring of exempt employees does not require the same competitive hiring practices and is left to the appointing authority. Accordingly, civil service employees are afforded certain specified job protections based on their civil service status. Exempt employees should not receive identical benefits without having undergone the same process.

The Honorable Brandon J.C. Elefante, Chair
The Honorable Rachele Lamosao, Vice Chair
and Members of the Senate Committee on Labor and Technology
January 27, 2026
Page 2

As a final note, even if the relevant collective bargaining agreement does not currently allow an exempt employee from grieving a disciplinary action, all employees are still protected by applicable federal and state employment laws.

We thank you for giving us the opportunity to submit our testimony in opposition to this matter.

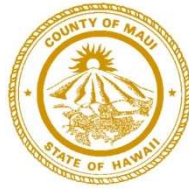
Sincerely,

A handwritten signature in black ink that reads "Nola N. Miyasaki". The signature is written in a cursive, flowing style.

Nola N. Miyasaki
Director

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
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200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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TO: Senator Brandon J.C. Elefante, Chair
Senator Rachele Lamosao, Vice Chair
Senate Committee on Labor and Technology

FROM: Richard T. Bissen, Jr., Mayor
Cynthia M. Razo-Porter, Director of Personnel Services

DATE: January 27, 2026

SUBJECT: **OPPOSITION FOR SB2114, RELATING TO COLLECTIVE BARGAINING**

The Act repeals the prohibition placed on certain employees exempt from Civil Service Law from grieving a suspension or discharge. Allows any employee who is a member of an appropriate bargaining unit to grieve any disciplinary action.

We **OPPOSE** this measure for the following reasons:

1. Employees exempt from civil service are, by definition, at-will employees. Extending grievance rights for suspensions or discharges to these employees is inconsistent with that status and undermines the purpose of the civil service framework. Unlike classified employees, exempt employees are not hired pursuant to the merit principle and are not afforded civil service protections.
2. At-will employment does not mean the absence of accountability. Personnel actions involving exempt employees remain fully subject to applicable federal and state employment laws. In addition, exempt employees already have established mechanisms to challenge suspensions or discharges through their employing department's Internal Complaint Procedure, with further appeal rights available through the Merit Appeals Board.

Mahalo for your consideration.



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Executive Director

TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON LABOR AND TECHNOLOGY

Item: SB 2114 – Relating to Collective Bargaining

Position: Support

Hearing: Wednesday, January 28, 2025, 3:00 pm, Room 225

Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association

Dear Chair Elefante, Vice Chair Lamosao, and members of the committees,

The Hawai'i State Teachers Association (HSTA) **supports S.B. 2114**. This bill ensures that all public employees who are members of a bargaining unit have the clear right to use the grievance process for any disciplinary action.

HSTA believes that every member covered by a collective bargaining agreement deserves access to a fair and transparent process when facing suspension or discharge. By clarifying these rights, this measure protects workers from arbitrary discipline and ensures that due process is a standard protection for all bargaining unit members.

HSTA supports this effort to provide uniform protections across our bargaining units and respectfully requests the passage of this bill.

Mahalo.



The Senate Committee on Labor and Technology

January 28, 2026

Room 225

3:00 PM

RE: SB 2114, Relating to Collective Bargaining

Attention: Chair Brandon J.C. Elefante, Vice Chair Rachele Lamosao and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members across Hawai'i's statewide 10-campus system, **supports SB 2114.**

SB 2114 provides clarity to Chapter 89, HRS, §89-10.8, by affirming that all public employees are afforded the statutory right to due process and the ability to challenge any disciplinary actions taken against them regardless of their exemption from civil service.

UHPA supports the passage of SB 2114.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Fern'.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

**University of Hawaii
Professional Assembly**



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 Senate
Committee on Labor and Technology

Testimony by
Hawaii Government Employees Association

January 28, 2026

S.B. 2114 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 2114, 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 any disciplinary action.

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 due to our lethargic civil service hiring process, and our states inability to increase civil service 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 positions within the State Executive Branch under the personnel system administered by DHRD, today there is 2306 exempt positions, 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. 2114.

Respectfully submitted,

Randy Perreira
Executive Director

SB-2114

Submitted on: 1/27/2026 1:43:19 PM

Testimony for LBT on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Martin	Testifying for Libertarian Party of Hawaii	Oppose	Remotely Via Zoom

Comments:

Aloha Chair Lee, Vice Chair Fevella, and committee members. I am Austin Martin, Chair of the Libertarian Party of Hawaii, testifying in strong opposition to SB 2114 (Collective Bargaining/Public Employees).

SB 2114 expands collective bargaining scope or units for public employees, strengthening union monopolies that drive compensation above market rates and reduce government flexibility.

Organizing the government against the people should be a crime. It is morally repugnant and contrary to all good governance principles.

Mahalo for opposing state rackets.

Austin Martin

Libertarian Party

Public-sector unions inherently conflict with taxpayer interests through coerced funding. I recommend rejecting further expansion and moving toward individual employment contracts.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

THE SENATE
KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Brandon J.C. Elefante, Chair
Senator Rachele Lamosao, Vice Chair

Wednesday, January 28, 2026, 3:00 PM
Conference Room 225 & Videoconference

Re: Testimony on SB2114 – RELATING TO COLLECTIVE BARGAINING

Chair Elefante, Vice Chair Lamosao, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 12,000 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 SB2114, which repeals the prohibition placed on certain employees exempt from Civil Service Law from grieving a suspension or discharge. Additionally, this bill allows any employee who is a member of an appropriate bargaining unit to grieve any disciplinary action.

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.

HEADQUARTERS

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SB-2114

Submitted on: 1/26/2026 5:25:26 PM

Testimony for LBT on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Crawford	Individual	Support	Written Testimony Only

Comments:

Every abandoned car left along Hana Highway ends up torched, and it's been going on for years. The police seem to have no interest or ability to do the enforcement and catch the perpetrator(s).

But increased penalties is a step in the right direction for deterrence.

Every one of those burned cars is a toxic environmental disaster. Just think about all of the fluids, plastics, synthetic rubber, paint and everything else that's in a car... what goes up must come down and it all ends up in our forests, streams and reefs.

I support this bill as an effort to put an end to it.