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**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  
**BRENNNA H. HASHIMOTO**  
Director, Department of Human Resources Development

Before the  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
Tuesday, March 3, 2026  
2:00PM  
State Capitol, Conference Room 325

In consideration of  
**HB1659 HD1, Relating to Collective Bargaining**

Chair Tarnas, Vice Chair Poepoe, and the members of the committee:

The Department of Human Resources Development (HRD) opposes HB1659 HD1, 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 unless the collective bargaining agreement provides otherwise. 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. Therefore, we believe attempts to provide exempt employees the same protections and rights as civil servants is simply not fair to civil service employees who, unlike exempts, were required to meet the minimum qualifications for their job, had to compete for their job, were likely paid at the entry level upon hire, are required to serve a probationary period, and are required to have their performance formally evaluated, amongst other things. Furthermore, exempt employees are, at the time of hire, informed of their at-will status. HRD's P&P instructs departments to clearly indicate in exempt job announcements, the employment is "at will" and to provide exempt employees a written notice of their at will status.
- **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. While we acknowledge the use of exempt positions may have strayed from its original intent and the number of exempt employees has grown, we do not believe that the increased number of exempt employees justifies why they should be afforded the same job protections afforded to civil service employees. The civil service system is designed to provide job security based on the merit principle, which does not apply to exempt positions.

In addition, as currently written, the amended language included on page 2, lines 5-6, which states that, “Any employee who is a member of an appropriate bargaining unit shall be allowed to grieve any disciplinary action, including but not limited to a suspension or disciplinary discharge, unless the collective bargaining agreement provides otherwise;” is problematic and would likely provide greater protections to members of bargaining units that do not currently limit grievance rights for exempt members. The intent of this language is unclear.

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 LIMAHAHA  
CITY AND COUNTY OF HONOLULU

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KŌKUA PO'O

February 27, 2026

The Honorable David A. Tarnas, Chair  
The Honorable Mahina Poepoe, Vice Chair  
and Members of the House Committee on Judiciary & Hawaiian Affairs  
The House of Representatives  
State Capitol, Room 325  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

SUBJECT: House Bill No. 1659, HD 1  
Relating to Collective Bargaining

The Department of Human Resources, City and County of Honolulu, respectfully **opposes** House Bill No. 1659, HD 1.

House Bill No. 1659, HD 1 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, and 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 preferred to allow 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; instead, it allows the exclusive representative and the employer group to negotiate whether such matters should be grievable.

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 Hawai'i Revised Statutes (HRS) § 76-1. Accordingly, civil service employees are afforded additional job protections based on their qualifications. Exempt employees should not receive those additional benefits without having undergone the same process.

The Honorable David A. Tarnas, Chair  
The Honorable Mahina Poepoe, Vice Chair  
and Members of the House Committee on Judiciary & Hawaiian Affairs  
February 27, 2026  
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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 style with a small flourish at the end.

Nola N. Miyasaki  
Director

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director



**OFFICE OF THE MAYOR**  
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TO: Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

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

DATE: March 2, 2026

SUBJECT: **OPPOSITION OF HB1659 HD1, RELATING TO COLLECTIVE BARGAINING**

Thank you for the opportunity to testify in **OPPOSITION** of this important measure.

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, unless the collective bargaining agreement specifically provides otherwise.

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.

Thank you for the opportunity to testify on this measure.



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**Osa Tui, Jr.**  
President

**Logan Okita**  
Vice President

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**Andrea Eshelman**  
Executive Director

## TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**Item: HB 1659, HD1 – Relating to Collective Bargaining**

**Position: Support**

**Hearing: Tuesday, March 3, 2026, 2:00 pm, Room 325**

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

Dear Chair Tarnas, Vice Chair Poepoe, and members of the committee,

The Hawai'i State Teachers Association (HSTA) **supports** H.B. 1659, HD1. 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 House Committee on Judiciary & Hawaiian Affairs  
March 3, 2026  
Room 325  
2:00 PM

RE: **HB 1659 HD1, Relating to Collective Bargaining**

Attention: Chair David A. Tarnas, Vice Chair Mahina Poepoe, 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 HB 1659 HD1.**

This measure 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 HB 1659 HD1.**

Respectfully submitted,

Christian L. Fern  
Executive Director  
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 House of Representatives  
Committee on Judiciary and Hawaiian Affairs

Testimony by  
Hawaii Government Employees Association

March 3, 2026

### H.B. 1659, H.D. 1 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1659, H.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 any disciplinary action, unless the collective bargaining agreement specifically provides otherwise.

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 state's 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 were 1715 exempt positions within the State Executive Branch under the personnel system administered by DHRD. Today, there are 2306 exempt positions, which reflects a significant increase in the use of exempt positions. To note, the total number of civil service employees has 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 agreements pursuant to Chapter 89 HRS, the statute and applicable collective bargaining agreements (CBA) prohibit many exempt employees from appealing any disciplinary action through the grievance process, effectively making exempt employees "at will" and not subject to just cause. This measure would provide a clear path for the exclusive representative to negotiate with the employer to allow exempt employees to receive just cause protection.

Thank you for the opportunity to provide testimony in strong support of H.B. 1659, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



## UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES  
THE THIRTY-THIRD LEGISLATURE  
REGULAR SESSION OF 2026**

**COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**

Rep. David A. Tarnas, Chair  
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 3, 2026, 2:00 PM  
Conference Room 325 & Videoconference

**Re: Testimony on HB1659, HD1 – RELATING TO COLLECTIVE BARGAINING**

Chair Tarnas, Vice Chair Poepoe, 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 HB1659, HD1, 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, unless the collective bargaining agreement specifically provides otherwise.

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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