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

Before the  
**SENATE COMMITTEE ON WAYS AND MEANS**  
**SENATE COMMITTEE ON JUDICIARY**

Wednesday, March 4, 2026

10:35AM

State Capitol, Conference Room 211

In consideration of  
**SB2114 SD1, Relating to Collective Bargaining**

Chair Dela Cruz, Chair Rhoads, and members of the Committee on Ways and Means and Committee on Judiciary:

The Department of Human Resources Development (HRD) opposes SB2114 SD1, 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. Therefore, we believe attempts to make exempt employees equitable to 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 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.

HRD respectfully requests that the Committee hold this measure. We are available to answer any questions or provide further information as needed.

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

**JOSIAH K. NISHITA**  
Managing Director



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TO: Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair  
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

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

DATE: March 3, 2026

SUBJECT: **OPPOSITION OF SB2114 SD1, 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.



The Senate Committees on Ways and Means and Judiciary

March 4, 2026

Room 211

10:35 AM

**RE: SB 2114 SD1, Relating to Collective Bargaining**

Attention: Chairs Donovan M. Dela Cruz and Karl Rhoads, Vice Chairs Sharon Y. Moriwaki and Mike Gabbard, Members of the Committees

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 SD1.**

SB 2114 SD1 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 SD1.**

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**



## UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

### THE SENATE KA 'AHA KENEKOA

#### THE THIRTY-THIRD LEGISLATURE REGULAR SESSION OF 2026

**COMMITTEE ON WAYS AND MEANS**  
Senator Donovan Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

**COMMITTEE ON JUDICIARY**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Wednesday, March 4, 2026, 10:35 AM  
Conference Room 211 & Videoconference

**Re: Testimony on SB2114, SD1 – RELATING TO COLLECTIVE BARGAINING**

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, 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, SD1, 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.

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Executive Director

**TESTIMONY TO THE HAWAI'I SENATE COMMITTEE ON WAYS AND MEANS  
&  
TESTIMONY TO THE HAWAI'I SENATE COMMITTEE JUDICIARY**

**Item: SB 2114, SD1 – Relating to Collective Bargaining**

**Position: Support**

**Hearing: Wednesday, March 4, 2026, 10:35 am, Room 211**

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

Dear Chairs Dela Cruz & Rhoads, Vice Chairs Moriwaki & Gabbard and members of the committees,

The Hawai'i State Teachers Association (HSTA) **supports S.B. 2114, SD1**. 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.



## 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 Ways and Means  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association

March 4, 2026

### S.B. 2114, 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. 2114, 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 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.

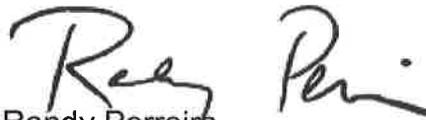
Although these employees are covered under their respective collective bargaining agreement's pursuant to Chapter 89 HRS, the statute and applicable collective bargaining agreements (CBA) prohibits many exempt employees from appealing any disciplinary action through the grievance process, effectively making exempt employees "at will" and not subject to just cause. **Since allowing these employees to be covered under just cause may require a change in statute and the applicable CBA's, we respectfully request the following amendment, highlighted below, to the first paragraph on page two:**

~~[No employee in a position exempted from chapter 76, who serves at the pleasure of the appointing authority, shall be allowed to grieve a suspension or discharge unless the collective bargaining agreement specifically provides otherwise]~~ 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 specifically provides otherwise; and

We believe this change would provide a clear path for the exclusive representative to negotiate with the employer to allow exempt employees to receive just cause protections. Additionally, we would like to note that this proposed amendment was adopted in the companion bill, H.B. 1659, H.D. 1.

Thank you for the opportunity to provide testimony in strong support of S.B. 2114, S.D. 1.

Respectfully submitted,



Randy Perreira  
Executive Director