

Honolulu, Hawaii

**APR 28 2006**

RE: GOV. MSG. NO. 405

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Labor, to which was referred Governor's Message No. 405, submitting for study and consideration the nomination of:

HAWAI'I LABOR RELATIONS BOARD

G.M. No. 405      PAUL K.W. AU,  
for a term to expire 6-30-2012,

begs leave to report as follows:

Upon review of background information submitted by the nominee, your Committee finds that PAUL K.W. AU earned his Juris Doctor degree from Georgetown University Law Center and currently serves as a deputy corporation counsel for the City and County of Honolulu. He has also run his own law practice, served as in-house counsel for First Insurance Company of Hawaii, Ltd., previously served as a deputy corporation counsel for the City and County of Honolulu, and practiced as an associate with the law firm of Bendet, Fidell, Sakai & Lee.

Testimony in support of the nominee was submitted by the Director of Labor and Industrial Relations, the Attorney General of Hawaii, and twenty-one individuals. Testimony in opposition to the nominee was submitted by the Hawaii Government Employees Association, the Hawaii State Teachers Association, the United Public Workers, AFSCME, Local 646, AFL-CIO, the University of Hawaii Professional Assembly, and two individuals.

Your Committee finds that section 89-5, Hawaii Revised Statutes, clearly delineates the composition and requirements for



the composition of the Hawaii Labor Relations Board. Section 89-5, HRS, provides that of the three members of the Board, one shall be a representative of management, one shall be a representative of labor, and the third member, the chairperson, shall be a representative of the public. Your Committee further finds that historically, the chairperson has been a neutral member without significant ties to either labor or management in order to maintain a balance within the Board and to ensure fair and equitable proceedings. Your Committee received testimony from many parties and questioned the nominee and testifiers regarding the nominee's qualifications to serve as the chairperson and neutral representative of the public. Your Committee determines that, although the nominee has demonstrated that he is an individual with ample knowledge and experience to serve on the Board, due to the nominee's extensive past experience as a representative of management, the nominee is not appropriately qualified under the law to serve as the chairperson of the Board.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to not be qualified for the position to which nominated and recommends that the Senate not advise and consent to the nomination.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor,



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BRIAN KANNO, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Labor  
(Advise and Consent)

Governor's Message No.:* <b>GM 405</b>	Committee Referral: <b>LBR</b>	Date: <b>4/27/06</b>		
<input type="checkbox"/> The Committee is reconsidering its decision.				
The Recommendation is to:				
<input type="checkbox"/> Advise and Consent (2340) <span style="margin-left: 200px;"><input checked="" type="checkbox"/> Not Advise and Consent (2345)</span>				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, BRIAN (C)	✓			
IHARA, JR., LES (VC)		✓		
TANIGUCHI, BRIAN			✓	✓
SLOM, SAM			✓	
TOTAL	/	/	/	/
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <span style="margin-left: 20px;">Original File with Committee Report</span> <span style="margin-left: 100px;">Yellow Clerk's Office</span> <span style="margin-left: 100px;">Pink Drafting Agency</span> <span style="margin-left: 100px;">Goldenrod Committee File Copy</span>				

\*Do not list more than one Governor's Message per Record of Votes.