

# HICA \* Hawaii Island Contractors' Association

494 C Kalanikoa Street \* Hilo, HI 96720 \* Phone 935-1316 \* Fax 934-7779 \* hical@hawaiiantel.net

Senator Dwight Takamine, Chair  
State Capitol, Room 224  
Honolulu, HI. 96813

RE: HB 952, Relating to Labor

Chair Takamine and Members of the Committee on Labor:

My name is Earl Yempuku, Chairman of the Legislative Committee of the Hawaii Island Contractor's Association. We are an island wide organization of contractors, suppliers, and construction related businesses representing approximately 140 companies and 160 individuals. The HICA is a member and partner with the Building Industry Association and strives to unite and promote the interests of our members to improve the quality of life of for the people of Hawaii.

The HICA is strongly opposed to HB 952, HD1, Relating to Labor, also known as the "Card Check" bill. The elimination of the secret ballot for employees in an election for unionization is especially repugnant in our democratic society as it does not allow all parties an equal and fair opportunity to present their side of the argument. Imagine if it were possible to collect signatures constituting a majority of registered voters in your district to elect someone else (without your knowledge and with no time limits) and you were then suddenly forced to leave office when those signatures were presented to the Governor. Would you consider that "fair"? This bill would similarly be unfair to business owners and employers, many of which are already struggling to survive while coping with a poor economy and already burdensome regulations. Whether unionization is good or bad is really not the point. The issue is fairness to all sides regarding how a decision or debate on how this takes place.

We respectfully request that this bill be held.

Thank you for the opportunity to share our views with you.



Earl Yempuku,  
Chairman  
HICA Legislative Committee

**Organization:**Big Save, Inc.

**To:**<mailto:LBRtestimony@Capitol.hawaii.gov>

SENATE COMMITTEE ON LABOR  
Committee Chair Dwight Y. Takamine  
Vice Chair Brian T. Taniguchi

Committee Members,

Employers deserve the right to be afforded the opportunity to address employees prior to a secret vote and offer their own solutions and ideas. There is no good business reason for a blind card check voting process.

Binding arbitration could put the determination of details of a union contract in the hands of persons not fully able understand the complexities of each business, especially those on the neighbor islands.

A company's property rights and trespassing policy should not be overridden for any reason by anyone.

Please vote NO.

Thank you,

Lisen Berquist MBA SPHR



# *Nursing Advocates & Mentors, Inc.*

*... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.*

P.O. Box 2034 Aiea, HI 96701  
E-mail: [bramosrazon@aol.com](mailto:bramosrazon@aol.com)

*Beatrice Ramos-Razon,  
RN, FACDONA  
President*

*Tessie Oculito, RN  
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*Brenda Monegas, RN*

*Oscar Querido, RN*

*Lucy Porte, RNC*

*Violeta Sadural, RN, BSN*

*Tina Salvador, RN, BSN, CNN*

*Ramon Sumibcay, CPT, AN*

## **TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS TO HB 952 HD 1**

Senate Committee on Labor

March 24, 2009, 2:45 p.m. | Hawai'i State Capitol | Room 224

To: Sen. Dwight Takamine, Chair and Sen. Brian Taniguchi, Vice-Chair  
Members of the Senate Committee on Labor:

Sen. Robert Bunda, Sen. Clayton Hee, Sen. Sam Slom

From: Beatrice Ramos-Razon, RN, FACDONA

President, Nursing Advocates and Mentors, Inc. (NAMI)

Measure Title: Relating to Labor

My name is Beatrice Ramos-Razon. As the Founder and President of NAMI (Nursing Advocates & Mentors, Inc.), we are in strong support of this bill. NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people by addressing not only a statewide, but worldwide nursing shortage, through the training and mentoring of foreign graduate nurses, many of whom come from underprivileged backgrounds, to pass Hawai'i's nurses board exams.

NAMI strongly supports the provisions and intent of this bill. In addition, we recommend that HD 1 be deleted, because all employees in large or small companies should have the right to decide on union representation through card check. Union representation has been good for immigrant workers by providing them with an advocate for work-related and other issues. Without union representation, workers will be at the mercy of their employers, who may be fair in many cases, but who also may exploit the workers' limited English skills, education, and knowledge of the law.

Thank you for the opportunity to support this bill. Please do what you can to enact this into law.

Sincerely,

Beatrice Ramos-Razon, RN, FACDONA

President, Nursing  
Advocates and Mentors, Inc  
Executive Director,  
Philippine Nurses  
Association Hawaii

Capt. Bob [capt@

HB952 Card check. Don't do it. Bad for all. Bad bad bad

- **HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996**

Affiliated with the International Brotherhood of Teamsters

1817 Hart Street  
Honolulu, Hawaii 96819-3205

Telephone: (808) 847-6633  
Fax: (808) 842-4575

Sen. Dwight Takamine, Chair  
Sen. Brian taniguchi, Vice-Chair  
Committee on Labor

Glenn Ida  
Representative  
Tuesday, Mar.24, 2009, 2:45 PM  
Conference Room 224

Support of HB 952, Relating to Labor

The Hawaii Teamsters Local 996 believes that HB 952 will even the playing field and removes some of the barriers that currently exists in a corporate dominated economic environment in gaining union representation for working people.

HB 952 also guarantees a first contract by putting negotiations on a schedule that progresses to mediation and then to binding arbitration if necessary to reach an arbitrated settlement good for up to two years.

The Hawaii Teamsters Local 996 strongly supports, HB 952, Relating to Labor.

Thank you for allowing me to testify this morning.

Please Oppose HB952

Please preserve our right to a secret ballot

**Thanks.**

Dan Clegg



## TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS TO HB 952 HD 1

Senate Committee on Labor  
March 24, 2009, 2:45 p.m. | Hawai'i State Capitol | Room 224

To: Sen. Dwight Y. Takamine, Chair and Sen. Brian T. Taniguchi, Vice-Chair  
Members of the Senate Committee on Labor: Sen. Robert Bunda, Sen. Clayton Hee, Sen. Sam Slom

From: Charlene Cuaresma, President, Filipino Coalition For Solidarity

Measure Title: Relating to Labor

Report Title: Labor Unions; Private Sector

Description: Certifies entities as exclusive representatives without an election where no other representatives are certified as the exclusive bargaining representatives. Requires immediate collective bargaining between parties once entities are certified as exclusive representatives. Effective July 1, 2020. (HB952 HD1)

My name is Charlene Cuaresma. I am submitting testimony in strong support of this bill with an amendment to not adopt HD 1. As president of the Filipino Coalition for Solidarity, I want to express appreciation to you for hearing this important bill. Since its inception in 1990, the Coalition has represented more than 50 Filipino community leaders, whose aim is to work for social justice issues to empower Filipinos to make socially responsible contributions to Hawai'i and our global neighbors through education, advocacy, and social action.

Filipinos and immigrant groups comprise a large segment of the hotel and agricultural labor force. Filipinos have also been hardest hit by unemployment, even before this recent downturn in the economy. As staunch supporters of Pacific Beach Hotel workers, our Coalition has learned from the workers themselves, that provisions of this bill are essential to safeguard a worker's right to determine union representation through the card check process. Card check is necessary, because some employers resort to tactics that create a climate of intimidation. We also disagree with the HD 1, which narrows this bill to apply only to companies with 100 or more employees, which amounts to about five companies, two of which already have representation by ILWU. We believe that this narrow definition amounts to "union busting". Therefore, we propose the amendment to delete HD 1.

There are many lessons learned from the Pacific Beach Hotel. For example, workers' attempts to unionize and negotiate a contract were thwarted by a "shell game" of changing owners and management that not only disregarded the workers' desire for union representation, but also dismissed progress made toward contract negotiations that were ultimately not recognized when "new" ownership ensued. This bill addresses this type of labor injustice, and affords workers the confidence to speak up to improve working conditions without fear of losing their job. I grew up with the insidious intimidation experienced by my father, a retiree of Oahu Sugar Plantation, and my grandparents, who were sakadas, or sugarcane contract laborers. With representation by the ILWU, the quality of life improved for the workers and their families. Card check is important because in spite of the use of voting by "secret ballot", intimidation from employers who are anti-union persist today.

Your consideration to support this bill is appreciated. Thank you for the opportunity to provide this written testimony.

Respectfully,

Charlene Cuaresma, MPH  
President, Filipino Coalition for Solidarity





# Hawaii Agriculture Research Center

*Administration: P.O. Box 100, Kunia, HI 96759*

*Ph: 808-621-1350/Fax: 808-621-1359*

## TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR

**HOUSE BILL 952, HD1**

**RELATING TO LABOR**

**March 24, 2009**

Chair Takamine, Vice-Chair Taniguchi, and Members of the Committee,

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff.

**HARC opposes HB 952 HD1, Relating to Labor, for the following reasons:**

The measure is bad for business, especially small businesses, including agriculture. Unionization is not appropriate for all businesses and will cause some farming operations to give up the struggle. It will increase the cost of locally produced products at a time when all of us in Hawaii are grasping to find ways to lessen our dependence on mainland and foreign imports and become more self-sufficient.

The measure is also bad for Hawaii farm workers, who are some of the highest paid in the nation, in that it will strip them of their right to exercise their vote in private, opening the door to undue pressure and coercion, and forcing them to turn over a portion of their paycheck for union membership that is unnecessary and potentially detrimental.

Thank you for the opportunity to testify on behalf of Hawaii's agriculture

# **Filipinos for Affirmative Action**

3432 B-1 Kalihi Street· Honolulu, Hi 96819

## **TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS TO HB 952 HD 1**

Senate Committee on Labor

March 24, 2009, 2:45 p.m. | Hawai'i State Capitol | Room 224

To: Sen. Dwight Y. Takamine, Chair and Sen. Brian T. Taniguchi, Vice-Chair  
Members of the Senate Committee on Labor:  
Sen. Robert Bunda, Sen. Clayton Hee, Sen. Sam Slom

From: Amy Agbayani, Ph.D., Filipinos for Affirmative Action

Measure Title: Relating to Labor

Report Title: Labor Unions; Private Sector

Description: Certifies entities as exclusive representatives without an election where no other representatives are certified as the exclusive bargaining representatives. Requires immediate collective bargaining between parties once entities are certified as exclusive representatives. Effective July 1, 2020. (HB952 HD1)

My name is Amy Agbyani. As Co-Chair of Filipinos For Affirmative Action, I submit strong support for this bill. The mission of Filipinos For Affirmative Action is to advocate for civil rights for all.

Now more than ever, working people need support for fair labor practices and leveraged representation to ensure that accountability, recourse, and workers' equity are intact. This bill is an integral step in that direction, especially for workers whose first language is not English.

Please consider our proposed amendment to drop HD 1 that seeks to limit this protection to only companies with 100 or more employees. That amounts to only about five companies in Hawaii. We respectfully request your support to prevent the potential exploitation of immigrants and other vulnerable groups in Hawai'i's work force, where the majority of individuals are employed by small companies with less than 100 employees.

Thank you for the opportunity to provide our strong support with the proposed amendment. Please consider voting yes at this critical juncture in Hawai'i's economic recovery.

Sincerely,

Amy Agbayani, Ph.D.  
Filipinos For Affirmative Action



# HAWAII CREDIT UNION LEAGUE

1654 South King Street  
Honolulu, Hawaii 96826-2097  
Web Site: [www.hcul.org](http://www.hcul.org)

Telephone: (808) 941-0556  
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Testimony before the Senate Committee on Labor  
Tuesday, March 24, 2009 at 2:45 p.m.

Testimony opposing HB 952 HD1, Relating to Labor

To: The Honorable Dwight Takamine, Chair  
The Honorable Brian Taniguchi, Vice-Chair  
Members of the Committee on Labor

My name is Stefanie Sakamoto and I am testifying on behalf of the Hawaii Credit Union League, which represents 91 credit unions serving approximately 810,000 credit union members throughout the state.

Our concern is that the process this measure proposes would place the employer in an unfair position, and would also take away an employee's right to choose, or not choose union representation. Employees should have a choice, and should be have the opportunity to be presented with information from both the employer and union. HB 952 HD1 would circumvent this process.

Thank you for the opportunity to testify.



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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*Deputy Executive Director*  
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The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Labor

Testimony by  
Hawaii Government Employees Association  
March 24, 2009

H.B. 952, H.D. 1 – RELATING TO LABOR

The Hawaii Government Employees Association strongly supports the purpose and intent of H.B. 952, H.D. 1, which proposes amendments to Chapter 377, HRS (The Hawaii Employment Relations Act). The bill proposes streamlining union certification and facilitating initial collective bargaining in the private sector. The proposed process permits the employees, with a majority of their signatures, to petition to be represented by a union. Currently, an employer does not have to recognize the majority's signatures and can insist on a secret ballot election. The measure will help level the playing field, giving the choice to employees.

The other suggested additions to Chapter 377, HRS, will facilitate settlement of an initial collective bargaining agreement. The measure will prevent efforts by employers to stall negotiations indefinitely. The bill requires the parties to make every reasonable effort to reach an agreement; provides for a request for conciliation and, ultimately, arbitration to resolve a dispute; and provides for a collective bargaining agreement that will be binding for two years.

Labor unions have a significant role to play in helping our economic recovery and restoring the middle class. We strongly support the proposed legislation to streamline union certification and give employees a voice at work.

Thank you for the opportunity to testify in support of H.B. 952, H.D. 1.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



# GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

March 24, 2009

TO: THE HONORABLE SENATOR DWIGHT TAKAMINE, CHAIR AND  
MEMBERS OF THE COMMITTEE ON LABOR

SUBJECT: H. B. 952, HD1, RELATING TO LABOR

### NOTICE OF HEARING

DATE: Tuesday, March 24, 2009

TIME: 2:45 PM

PLACE: Conference Room 224

Dear Chair Takamine and Members of the Committee:

The General Contractors Association of Hawaii (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, **opposes the passage of H.B. 952, HD1, Relating to Labor.**

The proposed bill allows and encourages labor organizers to pressure employees to sign up against their will.

We believe that if the majority of the employees favor organization then they will vote that way in a secret ballot. The right of self organization is thus preserved without taking away the right of those who wish to refrain.

The Bill as written is also very broad and would apply to every business large or small. It would apply to businesses with thousands of employees and also to every other small business in town with a handful of employees. It would also compel arbitration and a contract binding for two years if the business last that long. It is also unclear who will have to pay for an expensive binding arbitration to determine the contract terms.

This bill does away with the employees' right to a secret ballot and is tilted in favor of union certification.

The GCA **opposes** the passage of H.B. 952, HD1, and recommends that this bill not be passed.

Thank you for the opportunity to provide our views on this issue.

# UNIVERSAL CONSTRUCTION, INC.

1038 PU'UWAI STREET  
HONOLULU, HAWAI'I 96819  
Phone: (808) 845-3986 Fax: (808) 842-3881



March 24, 2009

Senator Dwight Takamine, Chair  
Committee on Labor  
State Capitol, Room 224  
Honolulu, HI 96813

**Re: HB 952, HD1 Relating to Labor**

Chair Takamine and Members of the Committee on Labor:

We are Dean Asahina, President and Gene Asahina, Secretary/Treasurer of Universal Construction, Inc. We are members of both BIA-Hawaii and the General Contractors Association of Hawaii and we oppose HB 952, HD1, Relating to Labor. We are strongly opposed, because of the increased burden it would place on businesses at a time when we can least afford it, while giving unions unfair and extraordinary powers and rights.

We respectfully ask that this bill be held. It is bad for business and ultimately the consumers in this state.

Thank you for the opportunity to testify on this matter.

Very truly yours,

**UNIVERSAL CONSTRUCTION, INC.**

A handwritten signature in cursive script, appearing to read "Dean I. Asahina".

Dean I. Asahina  
President

A handwritten signature in cursive script, appearing to read "Gene T. Asahina".

Gene T. Asahina, AIA  
Secretary/Treasurer

DA/gta

To the House of Representatives of the Hawaii State Legislature,

I wish to express my opposition to HB 952 HD1. If this bill is allowed to pass it violates our right of free choice. It will allow the unions to disrupt the harmony of healthy businesses by intimidating, harassing and coercing workers into doing something that they do not want to. The present setup in allowing union representation allows for freedom of choice and a method to come to a amicable decision.

If this bill passes it will hinder entrepreneurs from investing in Hawaii's economy because of a potential threat by intimidation or coercion.

It will only raise the cost of doing business cost that will be passed on to consumers.

Please vote NO on HB 952 HD1.

Yours truly,

LeRoy Seifert

Testimony for LBR 3/24/2009 2:45:00 PM HB952

Conference room: 224

Testifier position: oppose

Testifier will be present: No

Submitted by: Mark Hoenig

Organization: Individual

Address

E-mail:

Submitted on: 3/24/2009

Comments:

I own a small business here on Maui, and we're in our 2nd year of operation. With the high cost of living and the high cost of running a business, we are constantly looking for ways to cut costs and be more efficient. Insurance is a major cost for our business and I believe it is inevitable that HB952 will result in raising our Workers Comp insurance rates.

With the economic situation we are currently experiencing, it is the worst time possible to be considering legislation that will negatively impact small businesses.

I STRONGLY urge you to OPPOSE HB952 and other legislation that will make things tougher for small businesses than they already are. The Obama Administration has pledged to help and support the American small business community, and I encourage you to follow their lead.

Respectfully submitted,

Mark Hoenig

Owner

PuroClean Emergency Restoration Services Maui, HI