



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 2, 2009

To: The Honorable Marcus R. Oshiro, Chair
and Members of the Senate Committee on Finance

Date: Tuesday, March 3, 2009

Time: 1:00 p.m.

Place: Conference Room 308
State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

Testimony in Strong Opposition of H.B. 952 – Relating to Labor

I. OVERVIEW OF PROPOSED LEGISLATION

Housae Bill 952 seeks to do away with the federally-run democratic secret ballot election process, which employees currently follow when deciding to organize as a union. The Bill provides that if the Hawaii Labor Relations Board finds that a majority of the employees have signed a 'valid authorization' designating an individual or labor organization as their bargaining representative, then the board shall certify the individual or organization as the representative **without directing an election**.

This legislation also attempts to force employers, to enter into collective bargaining meetings within ten days after receiving a written request for collective bargaining from the non-elected representative.

The Bill provides procedure for conciliation under section 377-3 if an agreement is not entered into after ninety days. If after thirty days beginning on the date the request for conciliation is made, the parties have not entered into agreement, the Hawaii Labor Relations Board shall refer the dispute to an arbitration panel established by the board.

II. RELEVANT LAWS

Nothing in state or federal law prevents an employer from *voluntarily* entering into an agreement with a labor organization that wants to organize under "crosschecking" or "card check".

Federal laws have a long tradition of recognizing the rights of workers to join labor unions. Since the passage of the Wagner Act in 1935, federal law has protected employees' exercise of their free choice to decide whether to join a union. This statute, which is also known as the National Labor Relations Act ("NLRA"), prohibits discrimination due to union membership. The Act, in Section 8(a)(3), provides that:

It shall be an unfair labor practice for an employer --:
by discrimination in regard to hire or tenure of employment
or any term or condition of employment to encourage or
discourage membership in any labor organization.
29 U.S.C. §158(a)(3).

The NLRA, otherwise known as the Wagner Act, was passed by Congress in 1935. The NLRA is the grandfather of employee rights legislation in the United States. Although passed primarily to create a peaceful system for unionization and collective bargaining, the NLRA was also the first federal employment discrimination statute - making it illegal for employers to discipline or discharge employees because they engage in union activity and other protected concerted activities.

Exclusive jurisdiction for enforcement of the NLRA was vested in a unique administrative agency – the National Labor Relations Board ("NLRB"). The NLRB was given broad authority to interpret and enforce the rights and obligations created by the NLRA, and to develop through case-by-case adjudication, a body of law to govern labor-management relations.

The NLRA went through significant changes in 1947 when the Taft-Hartley Act added a set of provisions designed to regulate and disempower unions. The statutory scheme that exists today, the Labor Management Relations Act ("LMRA"), combines the original pro-labor provisions of the Wagner Act with the limitations on union activity established by Congress in 1947.

Section 7 of the NLRA describes the essential employee rights underlying the act:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities....

Further, according to information provided by the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), "Most working people have the legal right under Section 7 of the National Labor Relations Act (NLRA) to join or support a union and to engage in collective bargaining," (see www.aflcio.org). This includes the right to:

1. Attend meetings to discuss joining a union.
2. Read, distribute and discuss union literature (as long as this takes place in non-work areas during non-work times, such as break or lunch hours).
3. Wear union buttons, T-shirts, stickers, hats or other items on the job at most worksites.
4. **Sign a card asking your employer to recognize and bargain with the union.**
5. Sign petitions or file grievances related to wages, hours, working conditions and other job issues.
6. Ask other employees to support the union, to sign union cards or petitions or to file grievances.

Section 8 of the NLRA says employers cannot legally punish or discriminate against any worker because of union activity. The employer cannot threaten to or actually fire, lay off, discipline, transfer or reassign workers because of their union support. The employer cannot favor employees who don't support the union over those who do in promotions, job assignments, wages and other working conditions. The employer cannot lay off employees or take away benefits or privileges employees already have in order to discourage union activity."

III. HOUSE BILL

The Department supports the right of workers to organize, but strongly opposes this bill for the following reasons:

1. On April 14, 2008 Governor Lingle vetoed H.B. 2974 which is substantively the same Bill as H.B. 952, for the following reasons:
 - a. The "card check" procedure envisioned by this bill is a poor substitute for the secret ballot and is ripe for abuse.
 - b. The use of the secret ballot election process provides the employee anonymity and the opportunity to carefully consider and weigh individual choices after having the time to be fully informed by both the labor organization and the employer of various advantages and disadvantages of being collectively represented.
 - c. Nothing in this bill specifies how or when signatures can be obtained and there is no provision for neutral supervision. As a result there is no way to determine whether a worker's signature was given freely and without

intimidation, pressure, or coercion from fellow employees, labor representatives, or the employer.

- d. Maintaining the secret ballot is the fair, appropriate, and democratic way to protect workers' privacy and to ensure workers have the ability to vote their conscience without fear of repercussion or retaliation.
 - e. There is no compelling justification for replacing an unbiased, democratic process with one that has the potential to erode a worker's existing rights and protections under law.
 - f. This bill is also objectionable because it places arbitrary restrictions and deadlines on the negotiating parties without regard to the complexity of the agreement or the importance of free and non-coercive bargaining. Forcing parties to agree is antithetical to the system of labor relations that has served our country well for nearly 75 years.
2. This legislation is less-democratic as it forces the employer to effectively remain and to ensure that the NLRB election process is bypassed in an attempt by a labor organization to persuade their employees to join a union. Additionally, it does away with the secret balloting process that is inherent in our democratic society in allowing people to vote their conscience and imposes a simple "sign up" sheet. (See Attachment)

We should continue the current process which is patterned after how we vote for public officials. Alternatively, the Department questions the need for such legislation and has concerns about the abolishment of secret balloting, which is specifically designed to protect employees from undue coercion.

3. This is an issue of fairness. Employees should be allowed to voice their support for or against a union in the privacy of the voting booth without undue pressure or intimidation from both management and the union.

Alternatively, an employer should be allowed a choice in determining whether they want to have an equal voice with the labor union in advocating for or against organizing their establishment. In forcing the employer to enter into this agreement, that choice is taken away from them. Again, under state and federal law, an employer can already "voluntarily" enter into these agreements.

The Department believes it is bad public policy to force employers and employees to enter into these agreements as a condition of receiving state work or money. Further, the state strips the employee of their right to exercise their vote in private, without coercion or intimidation; and the employer of their right to insist on an election process that is both fair and ensures that employees are voting their conscience and not being peer pressured to sign a card.

Under this bill, the state is using the "power of purse" to force employers to agree

to this organizing tactic in order to get work.

H.B. 952

March 2, 2009

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4. According to information provided by the AFL-CIO, a worker's right to organize is already protected.
5. The NLRA has been developed over the last 69 years to ensure a proper balance between the rights of those employees that want to organize and those that do not, as well as providing a fair process that protects the rights of employers.

LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE
TUESDAY, MARCH 3, 2009
1:00 P.M.
ROOM 308

HOUSE BILL NO. 952
RELATING TO LABOR

Chairperson Oshiro and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 952 which seeks to certify entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives and requires immediate collective bargaining between parties once entities are certified as exclusive representatives. The Hawaii Department of Agriculture (HDOA) is in strong opposition to this bill.

The existing law honors a worker's right to a private ballot, thereby increasing the likelihood that the worker's decision was made free from influence, abuse and intimidation. If the results from the private ballot indicate interest in an election, then both the union and the employer have the opportunity to make their case to the workers. Under this bill, if more than 50% of workers sign a petition, which by its nature exposes the worker's position and therefore places the worker in a vulnerable situation, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if the workers want one.

Agricultural workers are particularly vulnerable to misleading verbal or written explanations of a process that they may have little or no familiarity with. A language

study undertaken by the National Agriculture Statistics Service indicates that the most prevalent language among agricultural workers is Ilocano; 89% comprehend English verbal instructions and 59% comprehend English written instructions. Among these same workers, comprehension of written instructions in their first language, Ilocano, is 79.7%. Among all agricultural workers, 87.9% can understand written instructions in their first language and 71.3% can understand written instructions in English.

Further, this bill could force companies to let government arbitrators make business decisions about their workforce. Hawaii's farm workers are already the highest paid in the country. Among hired farm workers on all farms in Hawaii, the average wage paid in the period of January 11-17, 2009 in Hawaii was \$12.69/hr. compared to \$11.16 in California and \$10.93 nationally (excluding Alaska). Among field and livestock workers on all farms in Hawaii, the average wage paid in the same period was \$10.93, \$10.10 in California, and \$10.08 nationally (excluding Alaska). Hawaii is already at a competitive disadvantage due to the cost and availability of land and water, transportation costs, and effects of invasive species. Adding an additional burden as posed in this bill only sets back Hawaii's efforts to become more self-sufficient in food production and in the long-run will result in the lessening of opportunities for agricultural workers.

We strongly urge that you do what is best for Hawaii agriculture by ensuring that unnecessary and unfair measures such as proposed by this bill are not allowed into law.



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

H.B. NO. 952, RELATING TO LABOR.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, March 3, 2009 **TIME:** 1:00 PM

LOCATION: State Capitol, Room 308

TESTIFIER(S): Mark J. Bennett, Attorney General
or J. Gerard Lam, Deputy Attorney General

Chair Oshiro and Members of the Committee:

The Department of the Attorney General has concerns that section 1 of this bill may conflict with current law.

On page 2, lines 8-13, the bill states that if the parties cannot reach a collective bargaining agreement, either party may request conciliation under section 377-3, Hawaii Revised Statutes. On page 2, lines 14-20, the bill also states that if an agreement by conciliation cannot be reached "after the expiration of the thirty-day period beginning on the date . . . the request for conciliation is made . . . the conciliator shall refer the dispute to an arbitration panel[.]"

The bill's thirty-day period, however, appears inconsistent with section 377-3, which only empowers a conciliator to resolve disputes for ten to twenty days:

The conciliator shall use the conciliator's best efforts to terminate the dispute by conciliation within ten days immediately succeeding the reference of the dispute to the conciliator or within such additional time, not to exceed ten days, as is agreed upon by all parties to the dispute. If within the ten days, or the additional time, if any, the conciliator fails to terminate the dispute by conciliation, the conciliator shall immediately certify such fact to the board and the conciliator's appointment shall then end.

Once the ten-to-twenty day period runs under section 377-3, a conciliator would lack authority to refer unresolved disputes to an

arbitration panel, although the bill requires a conciliator to do so after thirty days.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 4th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

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Richard Schnitzler
Hawaii

David S. De Luz, Jr.
Hawaii

To: Chair Oshiro, Vice Chair Lee, and Members of Finance Committee

Re: HB 952 – “Relating to Labor”

Date: March 3, 2009 – Conference Room 308 – 1:00 p.m.

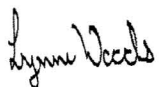
As the Chairperson and on behalf of the Small Business Regulatory Review Board (Review Board), I offer testimony in **opposition** of HB 952, Relating to Labor. The stated purpose of the bill certifies entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives. The bill also requires immediate collective bargaining between parties once entities are certified as exclusive representatives.

The Review Board believes that the current system for union organizing is fair and equitable. In taking the State of Hawaii’s current economic conditions into account, this bill will likely put more jobs and businesses at risk, as opposed to creating new opportunities or improving current working conditions for Hawaii’s workers despite this bill’s best intentions of doing so.

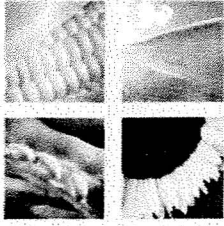
The Review Board also believes that in these very difficult times, it would seem prudent for all in federal and state government to work together and partner with Hawaii’s struggling small business community rather than making any decisions that may potentially drive them towards destruction and demise.

On behalf of the members of the Small Business Regulatory Review Board, I thank you for the opportunity to present this testimony and for your attention to the issues of Hawaii's business community.

Yours truly,

A handwritten signature in cursive script that reads "Lynne Woods".

Lynne Woods, Chairperson
Small Business Regulatory Review Board



Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

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Testimony By: Alicia Maluafiti
HB 952, Relating to Labor
House FIN Committee
Tuesday, March 3, 2009 – Agenda 4
Room 308, 1:00 pm

Position: Strong Opposition

Chair Oshiro and Members of the House FIN Committee:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association. The Hawaii Crop Improvement Association (HCIA) is a nonprofit trade association representing the agricultural seed industry in Hawaii. Now the state's largest agricultural commodity, the seed industry contributes to the economic health and diversity of the islands by providing high quality jobs in rural communities, keeping important agricultural lands in agricultural use, and serving as responsible stewards of Hawaii's natural resources.

HCIA strongly supports our workers' rights to secret ballot, to the inalienable privilege and right to vote in private for union certification. The current process provides this worker right, and we wholeheartedly endorse it. HCIA member companies provide competitive benefit packages, good wages and job environments where safety of the worker is the first priority. A few years ago, a union certification process was attempted on one of our member companies. In the end, after the secret ballot process, nearly 81% of the employees did not want to be union certified.

We urge you to hold this bill in committee. Thank you for the opportunity to testify.

Testimony to the House Committee on Finance
Tuesday, March 3, 2009
1:00 p.m.
Conference Room 308
Agenda #4

RE: HOUSE BILL NO. 952 RELATING TO LABOR

Chair Oshiro, Vice Chair Lee, and members of the committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). I am here to state The Chamber's strong opposition to House Bill No. 952, relating to Labor.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This bill is also known as the "Card Check" bill.

Under current law, the decision of whether or not to form a union is usually left to the workers — through a secret ballot election. That means that workers can choose — in private — whether they want to join a union. But in such an election, workers might not vote the "right" way.

Under Card Check, paid union organizers could unfairly pressure workers to publicly sign a card stating that they support the union.

Just as harmful, the Card Check bill includes a "binding arbitration" provision that would let the state government appointed arbitrators dictate wages and benefits under a union contract, and then deprive workers of the chance to vote on that contract. This expansion of government power is almost like reestablishing wage and price controls in our economy, and could put many employers out of business. We cannot afford this type of legislation, especially as Hawaii weathers this economic storm.

Furthermore, at a time when the state is trying to become more self sufficient for food and produce this legislation is counter productive. Moreover, more of us are shopping at discount stores and cutting coupons due to the rising costs. There has been a 7.5 percent jump in the price of food consumed at home over the past 12 months. Prices for all foods and beverages are up an average of 5.9 percent. (Oct. 3, 2008 Gannett News Service).

The simple fact is that unionization would increase the cost of locally produced food, impair the growth and survival of Hawaii's shrinking agricultural industry and block new efforts to grow food locally.¹

After decades of decline, unions have now turned to the Legislature to help them recover what is the natural progression of progressive management.

The pending Legislation will impose fast track unionization on all Hawaii agricultural operations and very small businesses² and non-profits not subject to the National Labor Relations Act, as well as submit their business assets and operational procedures to the dictates of a government appointed arbitrator. That is not right nor fair, and we ask that in these difficult economic times further costs not be imposed on Hawaii's businesses, particularly those affected by the proposed legislation.

To summarize, the following are key points as to why The Chamber of Commerce of Hawaii is strongly opposed to HB 952, the "Card Check" bill.

- The heart of the current representation framework lies with the secret ballot. The bill would effectively disenfranchise thousands of Hawaii employees overnight, while we are simultaneously fighting for more democracy in the representation process overseas.
- There are rarely any "secrets" in connection with card-signing campaigns. Employees can easily be intimidated to sign a card to avoid confrontation with a union organizer. Employees cannot be expected to make a reasoned choice if they have heard only one side of the issue. The proposed legislation offers no safeguards for collateral investigation into signature authenticity, fraud, revocation and coercion.
- There is no corresponding provision extending card check to the decertification process. If it is fair for unions to win representation rights in this fashion, it's fair for them to lose those rights the same way.
- There is little if any evidence to suggest that the current framework is broken to begin with. The Canadian model on which this kind of legislation is based has been a failure in its own country. In response, a majority of Canadian provinces have shifted back to a

¹ Unionization can affect cost of production through increases in compensation, through shifts in technologies, and through deviations from the least-cost combination of inputs. Working Paper 8701 "Unionization And Cost Of Production: Compensation, Productivity, And Factor-Use Effects by Randall W. Eberts and Joe A. Stone, (Working papers of the Federal Reserve Bank of Cleveland January 1987). Union work rules and employment restrictions have the primary effect of distortions from the least-cost combination of inputs, or in other words, labor unions increase firms' costs of equity by decreasing their operating flexibility. "Labor Unions, Operating Flexibility, and the Cost of Equity", Huaifeng (Jason) Chen, Marcin Kacperczyk, and Hernán Ortiz-Molina (May 2008).

² The NLRB's current jurisdictional limit for retailers is \$500,000.00. Hawaii's law is going to affect a large number of small businesses.

secret ballot model over the past twenty years. Half of the Provinces that retain card check require a supermajority of cards prior to certification.

- This represents the first occasion in peace-time history that our State government would convey authority to a third party to essentially decide what a private sector employer must provide in terms of wages and benefits, free from the checks and balances of unit ratification.
- Dictated terms of an initial agreement give rise to the likelihood of decreased stability, as employers seek to recoup losses during renewal bargaining, only to be met with increased strike probability.
- There is a dearth of any legislative guidance pertaining to the proposed arbitration process, the method for choosing an appropriate arbitrator, and the manner for challenging any rendered decision.
- The arbitrary deadline for imposing interest arbitration is unreasonable in light of numerous surveys establishing the average length of first-contract negotiations.
- This is a time when local establishments need the flexibility with their business plans to adjust to the current economic climate. This measure will be counter-productive in the effort to stay afloat and save jobs.
- In a national survey taken on the federal "Card Check" bill, three out of four voters (74%) oppose the bill. Union households also strongly oppose the bill, 74% oppose to only 20% support.

It is simply the wrong time for such legislation to be imposed on Hawaii's fledgling agricultural industry and small businesses. It would be wiser to await legislation on the federal level to evolve so that Hawaii's system would at least resemble the process used on the national level and benefit from the greater time and effort and developing a workable model that protects the rights of workers and employers alike.

Thus, The Chamber respectfully requests HB 952 be held.

Thank you for the opportunity to testify.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

March 3, 2009

Honorable Marcus Oshiro, Chair
Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: House Bill 952--Relating to Labor

Chair Oshiro and Members of the Committee on Finance:

I am Karen Nakamura, Executive Vice President and Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. BIA-Hawaii is strongly opposed to HB 952, "Relating to Labor".

HB 952 seeks to "streamline" the labor union certification process to facilitate labor union organizing for virtually all workers in Hawaii not currently covered under the provisions of the National Labor Relations Act. This would include those employed by for-profit and non-profit small businesses that fall in size below the NLRA threshold, and other workers not within the purview of the NLRB. In effect, this bill selects out these workers and denies them the right to vote by secret ballot in choosing whether or not to be represented by a collective bargaining agent. In so doing, our law makers appear determined to preclude the application of one of our most fundamental of democratic principles. In its place would be a petition or "card check" system that would allow a simple majority of signers in an employee group to "certify" a bargaining representative

when there are no other competing individuals or labor organizations seeking to represent employees.

The rationale sounds simple enough--why bother to hold an election when there is no competition? This ignores the fact that the petitioning process may, and will likely, occur without the employer being aware of it; employees may never hear the employer's position or be allowed to consider whether or not they want to be represented by a union at all. This is a choice a worker will only be able to express by refusing to sign the petition. There is no place to vote "No" in a petition or "card check" process, but the possibilities for manipulation and abuse of employee rights are manifestly obvious. Lacking confidentiality, employees may for any number of reasons feel compelled to sign a petition personally circulated by an agent of either management or a labor organization, to protect their jobs or relationships with their peers.

The certification of the petitioning process by the board does not stipulate any standards of conduct for petitioners or any measures by which the board will objectively assess whether or not the "majority of the employees . . . (who) have signed valid authorizations" have done so freely and without coercion. It appears that validation of the petition process will consist of simply counting cards to determine if the number of those signed is more than 50% of the employees in an eligible employee unit.

For more than seventy years the NLRB rules and procedures for determining employee labor affiliation and collective bargaining representation have resulted in a fair and winning solution for labor, management and employees covered under the Act. The legislature's apparent intention to abandon the time-honored and fundamental democratic principle of the secret ballot in promoting labor organizing among employees not currently covered is unwarranted and a disservice to the rights of employees who would be impacted, throughout the State of Hawaii.

BIA-Hawaii strongly opposes HB 952. We request that the bill be held.

Thank you for the opportunity to share our views.

Hawai'i Alliance for Retired Americans

An affiliate of the Alliance for Retired Americans
c/o AFSCME · 888 Mililani Street, Suite 101 · Honolulu, Hawaii 96813

AFT Retirees
HGEA Retirees
HSTA – Retired
ILWU Retirees
Kokua Council
Machinists Union Retirees
UPW Retirees
ADA/Hawaii
Hawaii Family Caregivers Coalition

(Submitted by email to: March 1, 2009)

Statement of Al Hamai, President, Supporting HB 952, Relating to Labor

Hearing of House Committee on Finance

March 3, 2008, 1 p.m. Conference Room 308

Chair Marcus Oshiro, Vice Chair Marilyn B. Lee and Members of the House Committee on Finance,

HARA strongly supports HB 952. HARA has nine affiliates, listed on this letterhead, representing 21,000 seniors and community members.

The purpose of this bill is to streamline union certification and facilitate initial collective bargaining agreements. HARA concurs. Approval of this bill will be a big step toward enabling workers, who want to belong to unions, a fairer chance to belong to a union, and secure a collective bargaining contract. A worker by himself alone is helpless on the job. He needs the strength of union to get better wages and working conditions for himself, for his family and for his community.

The NY Times editorial of December 28, 2008, entitled "The Labor Agenda" in support of the national Employee Free Choice Act in 2009 stated in part:

"Even modest increases in the share of the unionized labor force push wages upward, because nonunion workplaces must keep up with unionized ones that collectively bargain for increases. By giving employees a bigger say in compensation issues, unions also help to establish corporate norms, the absence of which has contributed to unjustifiable disparities between executive pay and rank-and-file pay."

HARA urges the House Finance Committee to approve HB952. Mahalo.

HARA is a strong voice for Hawaii's retirees and seniors; a diverse community-based organization with national roots; a grassroots organizer, educator, and communicator; and a trusted source of information for decision-makers.

Activities & Attractions Association of Hawaii

"Progressively Promoting & Protecting Hawaii's Optional Tour Industry"

March 2, 2009

**Testimony OPPOSED to HB952
Relating to Labor
Presented to the Committee on Finance
At the hearing 1:00 pm, Tuesday, March 3, 2009
In Conference Room 308, Hawaii State Capitol**

Submitted by: Toni Marie Davis/Executive Director of the A3H

Chair Oshiro and members of the committee,

Thank you for the opportunity to testify. My name is Toni Marie Davis. For the last 12 years it has been my honor to serve as the executive director of the statewide Activities & Attractions Association of Hawaii, (A3H). Today we are 208 members strong, statewide, representing over 1500 different tours and attractions.


These businesses collectively provide jobs for over eight thousand residents and recycle nearly ½ a billion dollars a year back into our state's economy annually. They're a mix of large, medium, small and owner operated businesses. This bill hurts businesses both big and small due to the potential abuse.

In 1947, The National Labor Relations Act was amended to provide workers the right to a private ballot. This happened as a result of widespread intimidation of workers during organizing drives in 1930's and 1940's. Please do not open this Pandora's Box. Let us learn from history, not repeat it.

In addition, this Bill also contains vagueness regarding how & when signatures are collected. It also places deadlines on negotiating parties regardless of complexities. It is bad legislation. We urge you to hold HB952.

With our current economy government should be working to support business to survive, create jobs, not legislating potentially crippling processes.

Respectfully submitted,
The Activities & Attractions Association of Hawaii


Toni Marie Davis
Executive Director

355 Hukilike Street #202 & 203 • Kahului, Hawaii 96732

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Phone: (808) 871-7947 • Toll Free Phone: 800-398-9698 • Fax: (808) 877-3104 • Toll Free Fax: 800-365-6284

Activities & Attractions Guidebook • Visitor & Local ECommerce Ticketing System • Gold Discount Card Program
Travel Agent Referral Program • Answering Service • Collective Island & Statewide Marketing Opportunities
Consumers Complaints Hotline • Economic Indicator Reports



Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance

HEARING Tuesday, March 03, 2009
 1:00 pm
 Conference Room 308
 State Capitol, Honolulu, Hawaii 96813

RE: **HB952, Relating to Labor**

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

RMH strongly opposes HB952, relating to labor, which certifies entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives and requires immediate collective bargaining between parties once entities are certified as exclusive representatives.

There are federal and state laws in place that recognize employees' rights to organize and therefore provide necessary guidelines to facilitate and support that process. An integral provision of these processes is protection for an employee's right to freely choose to decide whether or not join a union. HB952 eliminates an individual's fundamental right to a secret ballot election and opens the door to the possibility of undue pressure and coercion.

Additionally, HB952 would take wage and benefit negotiations away from employees and employers and place the responsibility under the purview of arbitrators with little or no prior knowledge of the business or the industry to make prudent decisions. Their rulings would then be binding for two years.

Our small businesses work diligently with their employees to address day-to-day concerns and to build camaraderie and career satisfaction. Passage of HB952 would place a union representative between employers and employees thus destroying the framework by which these businesses have operated successfully for many years.

We respectfully urge you to hold HB952. Thank you for your consideration and for the opportunity to comment on this measure.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
1240 Ala Moana Boulevard, Suite 215
Honolulu, HI 96814
ph: 808-592-4200 / fax: 808-592-4202



Randy Perreira
President

HAWAII STATE AFL-CIO

320 Ward Avenue, Suite 209 • Honolulu, Hawaii 96814

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii State AFL-CIO
March 3, 2009

H.B. 952 – RELATING TO LABOR

The Hawaii State AFL-CIO strongly supports the purpose and intent of H.B. 952 and the proposed amendments to Chapter 377, HRS (The Hawaii Employment Relations Act). As drafted, the bill would allow employees to unionize through majority sign-up. Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize.

According to Kate Bronfenbrenner from Cornell University, “employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds.” Undeniably, employees are fearful of losing their jobs and therefore, vote no when the election finally occurs. This type of coercion needs to stop, and the employee free choice act can help prevent these horrible tactics from occurring.

Furthermore, opponents claim the employee free choice act would take away the sanctity of the secret ballot and as a result oppose the bill. However, opponents should try and compare a union election to a political election. In a political election, candidates have equal access to the voters, whereas in a union election, the employers have access to the employees while the union does not. This is obviously not fair and a complete advantage to the employer.

In addition, the other suggested additions to Chapter 377, HRS will prevent efforts by employers to stall negotiations indefinitely. The parties are required to make every reasonable effort to conclude and sign a collective bargaining agreement. If the parties are not successful after ninety days of negotiations, either party can request conciliation through the Hawaii Labor Relations Board. This will help thwart the numerous delays that employers use.

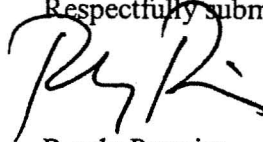
It is time to give middle class workers and their family a fair shake. Over the last 8 years, workers have struggled to maintain parity with a rising cost of living; meanwhile, CEO's and other executives continue to receive multi-million dollar bonuses and large six to seven digit salaries. Even today, as many of these businesses have been bailed out by the Federal government, the working class continues to receive pay cuts. That is not the way to fix our ailing

H.B. 952
March 3, 2009
Page 2

economy. It is time to pass the employee free choice act and level the playing field once and for all. It is our working class that will help revitalize our economy and get us out of this economic crisis we are currently in. Passage of the employee free choice act is a step in the right direction.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Perreira', written in a cursive style.

Randy Perreira
President



International Brotherhood of Electrical Workers
LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU HI 96819-5003
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

TESTIMONY SUPPORTING HB952, RELATING TO LABOR

TO: **HOUSE FINANCE COMMITTEE (VIA FAX 586-6001)**

For Hearing on Tuesday, March 3, 2009, at 1:00 p.m., in Room 308

RE: **SUPPORT FOR HB952**

Honorable Chair Oshiro, Vice Chair Lee, and House Finance Committee members,

My name is **Peter Akamu**, and I am the President of the International Brotherhood of Electrical Workers Local Union 1186 representing over 3,500 members of the electrical construction, telecommunication, Oceanic Cable; and civil service employees at Pearl Harbor Shipyard, Kaneohe Marine Base and Hickam. IBEW local 1186 also represents over 120 signatory electrical contractors that perform most of the electrical work in Hawaii.

HB952 has been drafted to fix the problems and difficulties faced by workers who are regularly pressured by their employers against voting to join a union. This bill will set a level playing field and allow workers to decide fairly on union representation without threats and delays from their employers, who often take advantage of their employees due to their unequal power relationship.

Thank you for providing me with this opportunity to testify in strong support for HB952.

Mahalo and aloha,

Peter Akamu
President
International Brotherhood of
Electrical Workers, Local Union 1186



Hawaii Chapter

House Committee on Finance
Tuesday, March 3rd
House Conference Room 308

**Opposition to
House Bill 952--Relating to Labor**

Chair Oshiro and Members of the Committee:

I am Karl Borgstrom, President of Associated Builders and Contractors Hawaii, a company-based organization of construction contractors, service providers, and suppliers dedicated to the free enterprise approach to construction contracting and the rights of construction employees to freely choose whether or not and by whom to be represented in a labor negotiation. **Associated Builders and Contractors Hawaii STRONGLY OPPOSES House Bill 952.**

HB 952 seeks to “streamline” the labor union certification process to facilitate labor union organizing for virtually all workers in Hawaii not currently covered under the provisions of the National Labor Relations Act; this would include those employed by for-profit and non-profit small businesses that fall in size below the NLRA threshold, and other workers not within the purview of the NLRB. (In our own organization, approximately 30-40% of the members of ABC Hawaii would likely be impacted by HB 952) In effect, this bill selects out these workers and denies them the right, granted to employees of larger enterprises and other NLRA-covered activities, to vote by secret ballot in choosing whether or not to be represented by a collective bargaining agent. In so doing, our law makers appear determined to preclude the application of one of our most fundamental of democratic principles. In its place would be a petition or “card check” system that would allow a simple majority of signers in an employee group to

“certify” a bargaining representative when there are no other competing individuals or labor organizations seeking to represent employees.

The rationale sounds simple enough--why bother to hold an election when there is no competition? This ignores the fact that the petitioning process may, and will likely, occur without the employer being aware of it; employees may never hear the employer's position or be allowed to consider whether or not they want to be represented by a union at all. This is a choice a worker will only be able to express by refusing to sign the petition. There is no place to vote “No” in a petition or “card check” process, but the possibilities for manipulation and abuse of employee rights are manifestly obvious. Lacking confidentiality, employees may for any number of reasons feel compelled to sign a petition personally circulated by an agent of either management or a labor organization, to protect their jobs or relationships with their peers.

The certification of the petitioning process by the board does not stipulate any standards of conduct for petitioners or any measures by which the board will objectively assess whether or not the “majority of the employees . . . (who) have signed valid authorizations” have done so freely and without coercion. It appears that validation of the petition process will consist of simply counting cards to determine if the number of those signed is more than 50% of the employees in an eligible employee unit.

For more than seventy years the NLRB rules and procedures for determining employee labor affiliation and collective bargaining representation have resulted in a fair and winning solution for labor, management and employees covered under the Act. The legislature's apparent intention to abandon the time-honored and fundamental democratic principle of the secret ballot in promoting labor organizing among employees not currently covered is unwarranted and a disservice to the rights of employees who would be impacted, throughout the State of Hawaii.

ABC Hawaii urges you to vote NO on HB 952!



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Kailua-Kona, HI 96740
Phone: 329-1758 Fax: 329-8564
www.Kona-Kohala.com info@konia-kohala.com

March 2, 2009

TO: FINANCE COMMITTEE
March 3, 1:00 pm, Conference Room 308, Agenda #4
Rep. Marcus Oshiro, Chair; Rep. Marilyn B. Lee, Vice-Chair and
Committee Members

FROM: Kona-Kohala Chamber of Commerce (via email in lieu of in-person
testimony)

SUBJECT: **Opposition of HB 952 Relating to Labor**

My name is Vivian Landrum, Executive Director of the Kona-Kohala Chamber of Commerce (KKCC). KKCC represents **620** business members and is the leading business advocacy organization on the west side of Hawai'i Island. The KKCC also actively works to enhance the environment, unique lifestyle and quality of life in West Hawai'i for both residents and visitor alike.

On behalf of our membership, I respectfully ask that you hold HB 952. Regardless of political affiliation, we believe this Bill is opposed by the majority of people in West Hawaii. At a time when we need to strengthen and support our business community, we fell this measure will hurt business, particularly small business.

Basically, this measure removes every employee's right to a secret ballot in determining whether to have union representation. We believe this bill denies workers their fundamental right to a secret ballot to determine their employment future. Under this bill, paid union organizers could unfairly pressure workers to publicly sign a card stating they support the union.

In addition, this bill includes a "binding arbitration" provision that allows state government appointed arbitrators to dictate wages and benefits under a union contract, and then deprives the workers the chance to vote on that contract. This expansion of government power could be very harmful to businesses, especially during these tough economic times.

Questions arise as to the extent of this bill's effect on our already fragile agricultural industry. Unionization will increase the cost of locally produced products. This legislation will impose fast-track unionization on all Hawaii agricultural operations and very small businesses and non-profits not subject to the National Labor Relations Act, as well as submit their business assets and operational procedures to the dictates of a government appointed arbitrator.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

A handwritten signature in cursive script that reads 'Vivian Landrum'.

Vivian Landrum
Executive Director



House of Representatives
The Twenty-Fifth Legislature, State of Hawaii
Regular Session of 2009

COMMITTEE ON FINANCE
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Tuesday, March 3, 2009 at 1:00 p.m.
Conference Room 308, State Capitol

Re: HB 952 – Relating to Labor

Dear Chair Oshiro, Vice Chair Lee and members of the committee:

The Screen Actors Guild Hawaii Branch **strongly supports** the purpose and intent of HB 952 and the proposed amendments to Chapter 377, HRS (The Hawaii Employment Relations Act). Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize.

According to Kate Bronfenbrenner from Cornell University, “employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds.” Undeniably, employees are fearful of losing their jobs and therefore, vote no when the election finally occurs. This type of intimidation needs to stop, and the employee free choice act will prevent these horrible tactics from occurring.

Furthermore, opponents contend the employee free choice act would take away the sanctity of the secret ballot and as a result oppose the bill. However, opponents should try and compare a union election to a political election. In a political election, candidates have equal access to the voters, whereas in a union election, the employers have access to the employees while the union does not. This is an unfair disadvantage to unions.

In addition, the suggested additions to Chapter 377, HRS will prevent efforts by employers to stall negotiations indefinitely. The parties are required to make every reasonable effort to conclude and sign a collective bargaining agreement. If the parties are not successful after ninety days of negotiations, either party can request conciliation through the Hawaii Labor Relations Board and this will put a stop to the numerous delays that employers use.

It's time to give the working class a break. The economy is near depression levels, unemployment numbers are up and each month more and more of the working class struggle to stay in their homes. Meanwhile, CEO's and others continue to receive multi-million dollar bonuses while workers are laid off and or their pay continues to decrease. It is time to pass the employee free choice act and level the playing field once and for all. It is the working class that will revitalize our economy. Passage of the employee free choice act is a step in the right direction.

Thank you for the opportunity to testify in support of HB 952.

Glenn Cannon, President and Brenda Ching, Executive Director

SCREEN ACTORS GUILD

949 KAPIOLANI BLVD., SUITE 105, HONOLULU, HI 96814 ★ Tel. 808.596.0388 ★ Fax 800.305.8146

www.sag.org

Branch of Associated Actors and Artistes of America / AFL-CIO • Affiliates of International Federation of Actors



American Income Life Insurance Company

Daryl Barnett
Director, Public Relations

House of Representatives Bill 952
Twenty-Fifth Legislatures, 2009
State of Hawaii

Mr. Chairman, Members of the committee, thank you for providing me and American Income Life Insurance Company with the opportunity to comment on State Bill No. 952, "Employee Free Choice Act. My name is Daryl Barnett; I am employed as a director of public relations for American Income life.

American Income life Insurance Company (AIL) and National Income Life Insurance Company (NILCO) is licensed in three countries, the United States of America, New Zealand and Canada. We currently have over 3000 unionized employees internationally, which includes our representatives. Our headquarters for the company is located in the United States of America.

In the State of Hawaii; American Income Life (AIL) has an office with approximately 50 representatives and employees of AIL all who are unionized employees, and work on all Islands. As a company, we are pleased to be able to provide jobs to local residents. As a company we contribute to the State of Hawaii and the community through the payment of taxes. We are a community minded organization, and contribute too many activities in the community. AIL supports the AFL-CIO and unions presentation regarding the proposed amendments to S377, as these amendments in our view would ensure reasonable and responsible laws that would assist in protecting workers interest.

American Income Life is a unionized company, and has been for decades. We thrive as a responsible employer. We continue to expand, and the growth of the organization continues, with continued growth we hire and create more employment opportunities throughout the United States. As an organization we have maximized productivity, negotiated increased wages for our staff and have expanded benefits, and we continue to remain profitable for our stakeholders as a result of our unionized staff. AIL and National Income Life Insurance Company (NILICO) has combined assets of more than \$1.8 billion with more than \$29.3 billion of life insurance in force for working families. This has been accomplished while working with the bargaining agents, (unions) who represent our employees and sales force.

The President and CEO of American Income Life Insurance Company and National Income Life Insurance Company, Mr. Roger Smith was recently quoted as saying. "We believe the Employee Free Choice Act is a smart, fair and good public policy because it protects workers' freedom to form unions. " He went on to Say "What is good for workers is good for business."

American Income life Insurance Company recognized the importance of unions by holding a majority sign-up, and our results speak volumes about the positive relationship that we have with our employees and representatives.

It is our view; unions are an essential part of a strong democracy and play a crucial roll in America's public and community life. Not only do they give workers a voice on the job and help negotiate fair benefits and wages for their members, but they also use their resources to raise the floor for everyone who works for living. Unions by standing for higher standards for workers, businesses, families, the environment and public safety, have helped to build the middle class and make sure the economy works for everyone.

We believe the proposed amendments presented by the AFL-CIO and Hawaii unions to the legislative body will protect workers. In our view it is an injustice where workers do not have the right to free collective bargaining. It is unfair that 32% of workers lack a collective bargaining agreement one year after voting for union representation. This in our view is due to weak national labor laws.

At AIL we were surprised to learn through a recent Peter Hart post-election survey, that 60% of all voters support this type of legislation. It is our view and is supported historically, that fair collective bargaining agreements have resulted in building a dynamic productive workforce with shared prosperity. We believe in these tough economic times, employers and employees should be sitting at the table together, crafting solutions which support the long-term growth and sustainability for both business and workers.

Today more than ever we need to protect workers as well as the long-term economic interest of American business. It is only logical for businesses to support policies that create a robust middle class, spur economic growth, and create shared prosperity. This type of legislative amendment is good for workers, and ultimately, that is good for our economy.

Thank you

Daryl Barnett
Director Public Relations
American Income Life.
cep



**HAWAII HOTEL & LODGING
ASSOCIATION**

2270 Kalakaua Ave., Suite 1506
Honolulu, HI 96815
Phone: (808) 923-0407
Fax: (808) 924-3843
E-Mail: hhla@hawaiihotels.org
Website: www.hawaiihotels.org



31st Anniversary
Are You Walking???
May 16, 2009
(Always the 3rd Saturday in May)
www.charitywalkhawaii.org

**TESTIMONY OF MURRAY TOWILL
PRESIDENT
HAWAII HOTEL & LODGING ASSOCIATION
March 3, 2009**

RE: HB 952 Relating to Labor

Good afternoon Chairman Oshiro and members of the House Committee on Finance. I am Murray Towill, President of the Hawai'i Hotel & Lodging Association.

The Hawai'i Hotel & Lodging Association is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms and individuals. Our membership includes over 170 hotels representing over 47,300 rooms. Our hotel members range from the 2,523 rooms of the Hilton Hawaiian Village to the 4 rooms of the Bougainvillea Bed & Breakfast on the Big Island.

The Hawai'i Hotel & Lodging Association opposes HB 952 Relating to Labor. This bill would allow for the certification of a labor organization without an election.

We do not believe it is appropriate to remove an employee's right to a secret ballot in determining their representation by a labor organization. Each individual should have the right to choose representation without being subject to pressure from either management or a labor organization.

We urge you to hold this bill. Mahalo again for this opportunity to testify.



Pioneer Hi-Bred International, Inc
PO Box 520
Waialua, HI 96791

Testimony by: Cindy Goldstein, Pioneer Hi-Bred International, Inc.
HB 952, Relating to Labor
House FINANCE Committee
Tuesday, March 3, 2009
Room 308 at 1:00 pm

Position: Oppose

Chair Oshiro, Vice Chair Lee and Members of the House Committee on Finance,

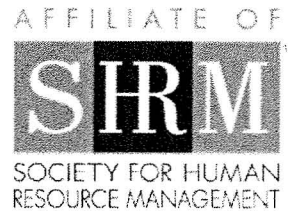
My name is Cindy Goldstein, business and community outreach manager for Pioneer Hi-Bred International, Inc. Pioneer employs a diverse work force, with a wide range of job skills, representing a broad spectrum of cultural backgrounds. We recognize the importance of providing good living wage jobs with benefits that will both attract employees to apply for our positions and retain our well trained employees. Employees have the opportunity for advancement as they gain skills on the job.

Flexibility in job activities is a big part of our working environment, with cross training of employees, and a work force able to carry out a wide variety of tasks. Employees don't focus on the same task every day. We understand the importance of investing in the future of our work force, and provide job skills training that allows employees to switch from one activity to another during the course of the day or work week. Safety is a core value for Pioneer Hi-Bred International, working safely is emphasized daily, with all employees trained to work safely, and to pay attention to the safety of others around them.

Pioneer Hi-Bred has a business philosophy based on "The Long Look". The Long Look emphasizes fair treatment of employees and recognition of the great value dedicated employees bring to our business. We have been operating in Hawaii for over 40 years, developing crops that are more productive for farmers. Pioneer has grown during those 40 years, with increasing numbers of employees and a broader range of good paying jobs for people with a range of skills.

Employees have a process for joining a union that allows them to make that decision with a vote cast in private. We have concerns about employee intimidation if the process changes, as this bill would allow.

Thank you for the opportunity to present testimony.



Chair, Representative Marcus R. Oshiro
Vice-chair, Representative Marilyn B. Lee
Committee: Finance
Society for Human Resource Management (SHRM) Hawaii
Testimony date: Tuesday, March 3, 2009

Opposition to HB952 Relating to Labor

SHRM Hawaii is the local chapter of a National professional organization of Human Resource professionals. Our 1,200+ Hawaii membership includes those from small and large companies, local, mainland or internationally owned - tasked with meeting the needs of employees and employers in a balanced manner, and ensuring compliance with laws affecting the workplace. We (HR Professionals) are the people that implement the legislation you pass, on a day-to-day front line level.

SHRM Hawaii strongly opposes **House Bill 952**. The two step process of union organization is vital for employees. Secret voting protects employees against retaliation from those who disagree with their position on unionization. "Coercion" and "intimidation" are charges made again both union organizers and business owners – secret ballot is the only way to ensure coercive and intimidating tactics are neutralized, and employees' choices are protected.

Elimination of the two-step process would:

- Take away the additional time needed for employees to ask questions of multiple sources, consider the options, and make an informed choice.
- Encourage coercion and/or intimidation by those who are for and/or against union representation.

Because elimination of the secret ballot portion of the two-step certification process holds nothing redeeming for employees, SHRM Hawaii respectfully urges the committee to hold HB 952 to protect an employee's right to choose union or non-union with the protection of their identity.

Thank you for the opportunity to testify. SHRM Hawaii offers the assistance of the Legislative Committee in discussing this matter further.



Before the House Committee Finance

DATE: March 3, 2009
TIME: 1:00 p.m.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

Re: HB 952 Relating to Labor Testimony of Melissa Pavlicek for NFIB Hawaii

Thank you for the opportunity to testify. On behalf of the thousands of business owners who make up the membership of the National Federation of Independent Businesses in Hawaii, we ask that you reject HB 952. NFIB opposes this measure in its current form.

The National Federation of Independent Business is the largest advocacy organization representing small and independent businesses in Washington, D.C., and all 50 state capitals. In Hawaii, NFIB represents more than 1,000 members. NFIB's purpose is to impact public policy at the state and federal level and be a key business resource for small and independent business in America. NFIB also provides timely information designed to help small businesses succeed.

More and more, employers are being forced to recognize labor unions without first holding a private-ballot employee election -- the election process that is guaranteed in law and administered by the National Labor Relations Board. To prevent intimidation or harassment, the law establishes that neither a union nor an employer may coerce, harass or restrain employees in exercising their right to choose whether or not to support the union. Each employee's choice is made in the privacy of a voting booth, with neither the employer nor the union knowing how any individual voted. We believe that a secret ballot process is fair to both employers and employees and essential. We ask that you do not advance this measure.

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

March 2, 2009

TO: THE HONORABLE REPRESENTATIVE MARCUS R. OSHIRO, CHAIR AND
MEMBERS OF COMMITTEE ON FINANCE

SUBJECT: H.B. 952, RELATING TO LABOR

NOTICE OF HEARING

DATE: Tuesday, March 03, 2009
TIME: 1:00 P.M.
PLACE: Conference Room 308

Dear Chair Oshiro and Committee Members:

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, 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, and recommends that this bill not be passed.

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



HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

GENTRY PACIFIC DESIGN CENTER, STE. 215A • 560 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817
(808) 524-2249 • FAX (808) 524-6893

NOLAN NORIWAKI
President
Bricklayers & Ceramic Tile Setters
Local 1 & Plasterers/Cement
Masons Local 633

March 3, 2009

JOSEPH O'DONNELL
Vice President
Iron Workers Local 625

Honorable Representative Marcus R. Oshiro, Chair
Honorable Representative Marilyn B. Lee, Vice Chair
Members of the House Committee on Finance
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

DAMIEN T. K. KIM
Financial Secretary
International Brotherhood of
Electrical Workers Local 1186

ARTHUR TOLENTINO
Treasurer
Sheet Metal Workers I.A. Local 293

RE: **IN SUPPORT OF HB 952**
RELATING TO LABOR.
Hearing: Tuesday, March 3, 2009, 1:00 p.m., Conf. Room 308

MALCOLM K. AHLD
Sergeant-At-Arms
Carpet, Linoleum, & Soft Tile
Local 1293

Dear Chair Oshiro, Vice Chair Lee and the House Committee on Finance:

BERNARD CASTANARES
Plasterers & Gypsum
& Fillets Local 675

For the Record my name is Buzz Hong the Executive Director for the Hawaii Building & Construction Trades Council, AFL-CIO. Our Council is comprised of 16-construction unions and a membership of 26,000 statewide.

THADEUS TOMEI
Elevator Constructors Local 126

The Council SUPPORTS the passage of HB 952 that certifies entities as exclusive representatives absent 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.

JOSEPH BAZEMORE
Drywall, Tapers, & Finishers
Local 1944

Thank you for the opportunity to submit this testimony in support of HB 952

RICHARD TAGGERE
Glaziers, Architectural Metal &
Glassworkers Local Union 1883

Sincerely,

AUGHN CHONG
Roofers, Waterproofers & Allied
Workers United Union of Roofers
Local 221

William "Buzz" Hong
Executive Director

ARY AYCOCK
Welders, Ironship Builders
Local 627

WBH/dg

ANN KINNEY
District Council 50
Painters & Allied Trades
Local 1791

LANI MAHOE
Structural Engineers Local 3

EDWARD SEBRESOS
Association of
Insulators
Workers Local 132



**HOUSE COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair

Conference Room 308

March 3, 2009 at 1:00 p.m. (Agenda #4)

Testimony in opposition to HB 952.

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. Thank you for this opportunity to testify in opposition to HB 952, which creates an alternate means of certifying a union.

The procedure created by the bill for certifying a union as a collective bargaining representative contradicts the time-honored use of the secret ballot. The secret ballot assures that the choice of each employee is anonymous. It ensures that employees may vote their conscience without intimidation, coercion, or fear of retaliation from either management or the union. The secret ballot is democratic and should be retained.

For the foregoing reasons, the Healthcare Association opposes HB 952.

West Hawaii Today

75-5580 Kuakini Hwy. , Kailua-Kona, Hawaii 96740
Westhawaii.com

2 March 2009

Testimony to the House Finance Committee
For March 3, 2009, 1 p.m., Room 308, Agenda 4

Re: HB 952

Dear Chairman Oshiro, Vice Chair Lee, and Members of the Committee

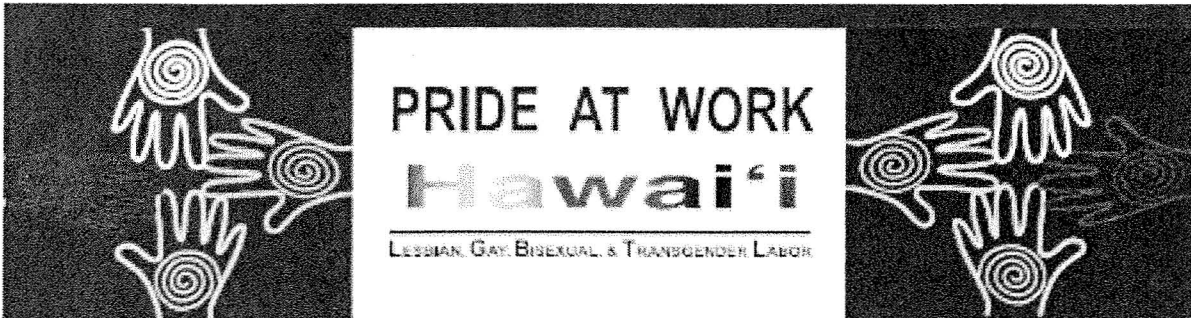
I am requesting that you do not move HB 952 forward.

This bill takes away a very important personal right. The right to a secret ballot. A right that is fundamental to our democracy and the principals our great country was founded upon. This bill goes so far against our principals and does not serve a valid purpose.

This bill has the potential to confuse the worker as without a time period for the issues to be discussed (on both sides) a poor and lasting decision could be mistakenly be made.

Thank you for the opportunity to submit my comments.

Richard Asbach, Publisher
West Hawaii Today



PO Box 22416 Honolulu, HI 96822
(808) 543-6054
prideatworkhawaii@hawaiiantel.net
www.hawaficio.org/PAWHI

March 3, 2009

Hawaii State House of Representatives
Committee on Finance
Chair, Rep. Oshiro
Vice Chair, Rep. Lee

Testimony in favor of H.B. 952 – RELATING TO LABOR

Pride At Work Hawai'i, whose mission is to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports H.B. 952. As drafted, the bill would allow employees to unionize through majority sign-up. Presently, an employer does not have to recognize majority sign-up and can insist on a secret ballot election, resulting in numerous delays, threats, coercion and any other tactics to ensure union organizing drives fail. In fact, nationwide, over 86,000 workers have been fired over the past eight years for trying to unionize.

According to Kate Bronfenbrenner from Cornell University, "employers fire workers in a quarter of all campaigns, threaten workers with plant closings or outsourcing in half and employ mandatory one-on-one meetings where workers are threatened with job loss in two-thirds." Experience proves that there is nothing free and fair about the current system, but this bill will help change that.

Passage of this bill is especially important for lesbian, gay, bisexual, and transgender workers, who are especially vulnerable to such threats - even in Hawai'i, despite legal protections against discrimination. In addition, having a union contract provides much-needed additional protection against harassment and discrimination for all minority groups, including LGBT workers.

In these difficult and uncertain economic times, it is more important than ever to give workers a fair shake if they want to organize themselves into unions. It is working people - LGBT and straight - that will help revitalize our economy and get us out of this economic crisis we are

currently in. Passage of the employee free choice act is a step in the right direction.

Thank you for the opportunity to testify in support of H.B. 952. On behalf of all LGBT workers in Hawai'i, we hope you will support this bill.

Respectfully submitted,
Steve Dinion
President
Pride At Work Hawai'i



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, #810
(808) 537-4308 Phone (808) 533-2739 Fax
office@oceantourism.org

March 3, 2009

TESTIMONY TO: HOUSE COMMITTEE ON FINANCE
1:00 PM Room 308

Representative Marcus Oshiro, Chair

Presented By: James E. Coon, President of the Ocean Tourism Coalition

Subject: H. B. 952 RELATING TO LABOR

STRONG OPPOSITION TO HB 952

Chair Oshiro and Members of the Committee:

I am Jim Coon, President of the state-wide Ocean Tourism Coalition (OTC) speaking in **Strong Opposition** of this bill.

The Ocean Tourism Coalition is the only State wide coalition of small ocean tourism businesses representing our industry. Most of these businesses are small family owned and operated enterprises well established and vital to the communities which they serve.

Here are some of the reasons we oppose this bill:

- It destroys the workers right to a private ballot as amended by the National Labor Relations Act of 1947
- It has the strong potential to create a very coercive work environment.
- It does not protect the worker from intimidation or give them a right to vote their conscience without retribution from anybody else.
- It is vague about how signatures will be counted
- It has very tight time schedules regardless of circumstances.
- It creates a very difficult business environment for small business to plan and take care if their employees and families.
- It is ripe for abuse by Labor representatives and others

Almost everyone realizes the present economic crisis is very serious. Small family run businesses are one of the most vital yet vulnerable parts of our economy. This bill, if passed, would represent a huge set back for all business in the State of Hawaii. It is terrible for small business. There are no redeeming features in this bill.

Please kill this bill HB 952.

Thank you,

James E. Coon, President
Ocean Tourism Coalition
PO Box 847
Kula, HI 96790
808-870-9115



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
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NORA A. NOMURA
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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
March 3, 2009

H.B. 952 – RELATING
TO LABOR

The Hawaii Government Employees Association strongly supports the purpose and intent of H.B. 952 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, and provides for a request for conciliation and ultimately arbitration to resolve a dispute and provide 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.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

Testimony

House Committee on Finance

Re: HB 952 RELATING TO LABOR

Chair Oshiro and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of its farm families and organizations is in **opposition** to HB952, streamlining the union certification process.

We recognize the role the Unions have played in Hawaii and that they have supported agriculture. At the same time, the world is changing. Agriculture is changing – the industry is in transition with diversity being the common element across the State. It is very different from the monocrop systems that the Unions have been accustomed to. Even the seed companies that may approach the size of what used to be our smaller sugarcane companies must be highly flexible at this time. Technologies are changing rapidly and the people working in the area must be able to have maximum adaptability to do different tasks at different times in different ways and not be caught in routine as has been characteristic of traditional unions. What agriculture and everyone needs is workforce development. It is assistance in training a workforce that can meet business needs. This must be followed by the ability to continually train workers who have skills to meet the ever changing work environment and regulatory needs. We have approached the Union about this need and are willing to be the test cases in the process.....however, the condition is that the traditional union is not part of the agreement. We believe the leadership of the Unions can play a major role in changing the way labor relations occur in Hawaii. The economy dictates that change is inevitable. Everyone must be part of the change. We also recognize that what we are suggesting is difficult. But all of us in the business world are making difficult decisions. None of us is expecting to continue as we did yesterday.

Agriculture is at a very serious crossroad. Our future is in question. We respectfully request the Committee to understand our industry's needs and oppose this measure while encouraging an evolution in Labor in Hawaii. We appreciate this opportunity to provide our opinion on this important matter.



est. 1947

Hawaii Restaurant Association

1451 South King St, Suite 503
Honolulu, HI 96814
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March 2, 2009

Rep. Marcus R. Oshiro, Chair
Committee on Finance
House of Representatives
Hawaii State Capitol Rm 306
Honolulu, Hawaii 96813

Dear Chair Oshiro,

The Hawaii Restaurant Association stands in strong opposition to HB 952 streamlining union certification.

This bill fundamentally changes the way of certification by taking away the fundamental American right of the secret ballot, a way to chose without pressures and coercion.

The second issue that we have difficulty with is the mandatory arbitration by a panel that might not understand the business that they are dealing with.

This is an issue that should be dealt at the federal level and it is our understanding the current congress will be taking up the issue very soon. Rev. Al Sharpton has come out against this card check bill earlier this year because of the concern of pressure in voting without the secret ballot.

President Obama in his interview with Washington Post in early February 09 states that we should concentrate on creating jobs at this time of economic crisis.

Thank you for giving us the opportunity to share our views on this.

Sincerely,

Victor Lim
Chair

HOUSE OF REPRESENTATIVES
25th LEGISLATURE
REGULAR SESSION of 2009

COMMITTEE ON FINANCE
Representative Marcus Oshiro, Chair

3/3/09
1:00 PM – Room 308

HB 952
Relating to Labor

Chair Oshiro and members of this Committee, my name is Max Sword, here on behalf of Outrigger Hotels, to speak in opposition to this bill.

What makes this great country the greatest in the world is the freedoms that it's citizens have. We have the freedom of free speech, freedom to travel anywhere with out papers and of course the freedom of choice.

To preserve this freedom of choice, such as when we will go to the polls in November to vote in local or national races, we will do so with a secret ballot. After the candidates have provided the voter with information on why they are the best candidate, we go into the voting booth and make that choice with out being pressured or having someone looking over our shoulders to make that choice.

The freedom of making a choice thru a secret ballot is also the hallmark of the union organizing process, because it provides the best safeguards against abuse. Both from the employer and the union attempting to organize.

The current process allows employees to pause and carefully consider the arguments from both side, consider their choices and then make a decision thru a secret ballot.

This bill would deny employees of that opportunity for a freedom of choice. This bill would allow the unions to approach an employee to sign a card, even if they do not understand what it means and the union can use it to get certification. There is no procedure to show that the union broke the rules in getting authorizations. The employee could be threatened or bribed to sign because there is no procedure to challenge it.

Finally, where currently the employees have the freedom to decide whether they like what the union has negotiated for them or not, this measure takes that choice away by making a third party decide what is best for them.

Outrigger Hotels is primarily a non-union company, but we are not anti-union. We are pro-employee. This bill will put the employee in the middle of a situation that they don't need to be in. The current process protects that employee, this bill does not.

We urge you to hold this bill and mahalo for allowing us to testify.

The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES
Committee on Finance
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair

State Capitol, Conference Room 308
Tuesday, March 3, 2009; 1:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 952
RELATING TO LABOR**

The ILWU Local 142 strongly supports H.B. 952, which certifies entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives and requires immediate collective bargaining between parties upon certification.

H.B. 952, called by some the "card check" bill, is known by others as Hawaii's version of the Employee Free Choice Act, which last year passed the U.S. House of Representatives and would have passed the U.S. Senate except for the refusal of the Republican minority to allow the bill to come for a vote. President Obama has said he will sign the Employee Free Choice Act.

Currently, card check is an accepted procedure to determine if the majority of a company's workers wants to organize into a union. Under current law, the employer decides if card check will be allowed. However, under H.B. 952, the workers will decide.

When workers sign authorization cards to express their desire to form a union, the union guards the confidentiality of those cards. While the union has no power to affect the worker's employment, the employer clearly does. With no union, it is the employer who unilaterally decides how much the worker will be paid, what kind of work he must do, when he will be required to work (or not), if he will be promoted, whether or not he will be granted sick leave, vacation leave or any other leave, and if he will be arbitrarily terminated. The employer has full control over the life of the worker at the workplace. The employer can even require workers to attend what is known as "captive audience" meetings to let the worker know just who is the boss. Workers who choose to form a union are courageous because they know their jobs could be in jeopardy.

H.B. 952 will apply only to those workers not under the jurisdiction of the National Labor Relations Act. Specifically excluded from the national law are agricultural laborers, who may be organized only under Hawaii law. That law permitted the ILWU to organize sugar and pineapple workers more than 60 years ago. The union and the employers collectively bargained to increase wages, provide benefits, and bring dignity and respect to agricultural workers. Through these contracts, sugar and pineapple workers moved into the middle class, became stable members of the community, and contributed to the economic and social fabric of Hawaii.

We consider collective bargaining a partnership. Of course, the interests of company and union may differ, but the bottom line is that the success of a company can mean success for its workers, if the workers are organized. The ILWU has historically supported and advocated for laws and programs that would promote the economic viability of its collective bargaining partners. In exchange, the ILWU has negotiated for workers to share in the resulting prosperity.

Laws support the worker's right to join a union. Likewise, the Hawaii State Constitution affirms the worker's right to unionize. Yet the reality is that organizing into a union is exceedingly difficult today given the bias that some employers have against unions and the lack of penalties against employers who violate the law.

H.B. 952 will help to level the playing field and allow workers to exercise their lawful right to join a union. But that does not mean a free ride for unions. They must work to win the confidence of the workers and must sign up the majority of all workers at the workplace--not an easy task without knowing precisely who is employed and where to find them off the job. In addition, if the employer is fair to the workers, pays them decent wages, provides good benefits, and follows the law, the workers may not even want to consider joining a union, no matter how persuasive the union may be. H.B. 952 will simply give the worker a fighting chance at union representation.

Attached to our written testimony is a handout that summarizes how workers currently join a union and what H.B. 952 would do. It spells out in more detail what is involved and some of the pitfalls of the current process. We hope you will take some time to review the handout.

The ILWU strongly urges passage of H.B. 952. Thank you for the opportunity to provide testimony on this important matter.

Attachment to ILWU Local 142 Testimony on H.B. 952

HOW WORKERS JOIN A UNION:

- **Right to join a union.** Both federal (National Labor Relations Act) and state law (Hawaii Employment Relations Act) allow workers the "right to self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection." Workers may form their own union (as occurred with the Kamehameha School Faculty) or, more commonly, join an existing union.
- **Sign authorization cards.** Either co-workers or union organizers will ask workers to sign authorization cards to indicate the worker's interest in having the union be his/her exclusive agent for collective bargaining. The employer never sees the signed cards. The cards that are signed are kept secret from the employer.
- **Petition for election.** When the workers or the union collect signed cards from 30% of the workforce, they can petition the Board (NLRB or HLRB) for an election. A hearing is held to determine the bargaining unit--that is, who can vote and participate in the union if it is certified. The "secret ballot" election is monitored and the outcome certified by the Board. The "winner" of the election is whichever side receives the majority (50% + 1) of all valid votes cast. If the employer violates the law by firing or intimidating the workers, there are no punitive damages.
- **Access to workers.** The union does not have access to the workers at work and may only contact workers after hours, during breaks, or by phone. The union must compile names, addresses and phone numbers without the employer's assistance. On the other hand, the employer has access to the employees throughout the work day and is in position to influence promotions, pay, leaves, terminations, etc. Intimidation is more likely to come from the entity who can control the worker's job. The union has no such power.
- **Card check as an alternative.** The card check process is an alternative to an election. If the workers or the union believes a majority of the workers want a union, they may ask the employer for "card check recognition." The employer decides if card check will be allowed. If the employer agrees to card check, a neutral third party, such as a minister or judge, is asked to compare the authorization cards against samples of valid employee signatures to determine if the majority (50% + 1) of the workers have signed. If they have, the employer must recognize the union and commence bargaining.
- **Collective bargaining.** Both sides must bargain in good faith and come to an agreement *collectively* on wages, benefits, terms and conditions of employment. However, in many cases, employers dissatisfied with the outcome of the election will use various means, legal and otherwise, to delay negotiation of an agreement, possibly hoping for decertification of the union. Nationally, according to an MIT study, 44% of units in which the union was certified never got a first contract--despite the majority of workers in the bargaining unit voting *by secret ballot* for a union. An example of this is Pacific Beach Hotel, whose employees voted twice for the ILWU to represent them and began collective bargaining in 2005. Today, the workers are still without a contract, and the union has filed numerous unfair labor charges which prompted the NLRB to bring the hotel to trial, which is ongoing.

WHAT H.B. 952 WOULD DO:

- **Upholds the constitutional right to organize.** The Hawaii State Constitution states: "Persons in private employment shall have the right to organize for the purpose of collective bargaining." While some employers may oppose unionization of their workforce, the Constitution must be upheld. H.B. 952 will allow the worker the right to determine the method of demonstrating majority support for a union.
- **Applies only to workers excluded by the NLRA.** Hawaii law only covers workers excluded by federal law. Agricultural laborers are specifically excluded under the NLRA and thus covered under the HERA. Other categories of workers, based on the employer's annual volume of business, are also covered under Hawaii law.
- **Allows the workers to decide the method of demonstrating majority support.** With H.B. 952, instead of the employer deciding whether card check recognition will be allowed, the workers themselves can declare their desire for card check recognition by signing up the majority of the workers in their bargaining unit. By contrast, in an election, the outcome is decided by the majority of valid votes cast. With card check under H.B. 952, the outcome is decided by signed authorization cards from the majority of all workers in the unit.
- **Offers card check as an alternate process to organize.** Card check will not replace the election in all cases. The union must meet a higher standard (majority of all workers) to win union recognition. However, if H.B. 952 is enacted, the workers, not the employer, will have the power to decide if card check will be used.
- **Ensures a first contract.** H.B. 952 provides for mediation if the parties are unable to reach agreement in 90 days and, if mediation is unsuccessful within 30 days, an arbitrated agreement that would be binding for two years.
- **Provides for labor peace.** With a collective bargaining agreement in place, workers will not be permitted to go on strike or engage in boycott activities. The agreement itself will provide a structure to resolve disputes and ensure fair treatment of all workers. Furthermore, the workers' best interests will be served by cooperation of the union to promote business for the employer. Unions like the ILWU have historically supported efforts to ensure the financial viability of signatory employers.
- **Stimulates the economy.** In general, unionized workers earn more in wages and benefits than non-union workers. Unionized workers make up a good portion of the middle class--men and women who work to support their families and contribute to the economy by their purchase of goods and services. The more they get, the more they spend to stimulate Hawaii's economy.

House of Representatives
Committee on Finance
March 3, 2009, 1:00 p.m.
Conference Room 308

Statement of the Hawaii Carpenters Union on H.B. 952

The Hawaii Carpenters Union supports H.B. 952, furthering Article 13.1 of The Constitution of the State of Hawaii, by State government.

Article 13.1 states that "Persons in private employment shall have the right to organize for the purpose of collective bargaining." There is a need to provide realistic means for employees to exercise that right.

Differences in workplace and historic conditions require differing means to address them. The construction industry is an example of an industry where unique workplace conditions have been recognized, so different means of organizing for collective bargaining have been established.

Today's workplace conditions differ in many ways from those of the historic period when Federal elections were provided as a means to organize for collective bargaining. Collective bargaining was seen as public policy, and elections the means to validate it. Since that time, workplace control by employers has been transformed by the growth of methods to frustrate the election process, with little or no penalty.

A new means is needed, and this Bill provides for the showing of a majority by signature. Signature to authorize an organization as the individual's collective bargaining representative. A signature similar to that used to authorize an attorney to represent an individual or a group, or to authorize a mortgage debt, or to designate beneficiaries. Passage of this Bill will also see that initial collective bargaining will take place, rather than having the right frustrated by employers simply ignoring it.

Another change in historic conditions is that on the one hand, virtually all sizes of workplaces in Hawaii are under Federal jurisdiction, and on the other hand, unions must make decisions that incline them against representing very small units of employees. Agricultural employees of substantial employers are the group that remains, and should be afforded their rights. Hawaii lead the nation when it extended collective bargaining rights to agricultural workers, and should update that commitment in today's conditions.

While State jurisdiction is very limited as compared with that of the Federal National Labor Relations Board, our legislature should lead in statute where it can, as our State Constitution does as compared with our Federal document.

Thank you for your consideration of the testimony of the Hawaii Carpenters Union.

Testimony In Strong Support of
HB952
Relating To Labor

To the Committee on Finance
Tuesday, March 3, 2009, 1:00 p.m.
State Capitol, Room 308

By Al Lardizabal, Director
Government Relations
Laborers' International Union of North America Local 368

Honorable Marcus Oshiro, Chair; Honorable Marilyn Lee, Vice Chair and
Members of the Committee:

The Laborers' Union is in **strong support** of HB952. The many reasons for supporting the right of workers to sign valid authorizations for their choice for an exclusive representative has been articulated repeatedly in the previous 2008 legislative session and special session and need not be reiterated. We call the Committee's attention to our elected Presidential and Vice Presidential leaders statements in Washington, D.C. about the need to help middle-class working Americans.

President Barack Obama stated that these are "perilous times..." And so he is taking action and leadership to help working America and working families in the middle class to rebuild our nation's economy. The first thing he did was to reverse several of former President Bush's anti-union policies on January 30, 2009. He said, "*We cannot have a strong middle class without strong labor unions. We need to level the playing field for workers and the unions that represent their interest.*" President Obama is taking leadership; we ask for your leadership in leveling the playing field.

Vice President Joe Biden, on speaking about the economy, also stated that, "*...we need to make sure that the benefits of that growth reach the people responsible for it. We can't standby and watch as that narrow sliver of the top of the income scale wins a bigger piece of the pie---while everyone else gets a smaller and smaller slice.*"

The economic pie for working families in Hawaii is getting smaller. Your leadership can reverse this trend.

According to a recent Op-ed in the Los Angeles Times, former Labor Secretary Robert Reich (under former President Bill Clinton) said, "*...a way to make our economy work for everyone is to restore the freedom to form unions, and give the workers the bargaining power they need to improve their own lives.*" According to Professor Reich, "*...the crises in debt, health care, housing and jobs can be traced to a shrinking middle-class, with too little economic security and purchasing power. And while many public policies can work around the edges, our country's history shows that the health of the economy is improved by making possible for workers to form unions and bargain for a better life.*"

Professor Reich emphasized, "*...working families aren't asking for a bailout or a handout, but they need and deserve, to have a share of the prosperity they're creating. They need a level playing field and the freedom to bargain for a better life.*"

Members of the Committee, our working families in Hawaii aren't asking for a bailout or a handout; they want and deserve to have a level playing field. Please pass HB952.

Thank you for the opportunity to present this testimony.

February 27, 2009

House Finance Committee
House Conference Room 308
Hawaii State Capitol

Committee Chairman Marcus R. Oshiro, Vice Chair Marilyn B. Lee & Committee Members,

I am in opposition to HB952.

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process.

All employees deserve the right to make this important decision fully informed and in private by secret ballot. HB952 would deny many employees a voice in determining whether or not to be represented by collective bargaining.

Employers should also be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas, as is currently the case under federal law.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Hawaii's current statutes regarding labor and employment practices provide all employees with significant rights, benefits and protection in their work places.

Respectfully,

Thomas H. Jones
President & Co-Owner
REI Food Service, LLC
Gyotaku Japanese Restaurants

House Finance Committee
House Conference Room 308
Hawaii State Capitol

Committee Chairman Marcus R. Oshiro, Vice Chair Marilyn B. Lee & Committee Members,

I am in opposition to HB952.

In the past, I worked at a restaurant with two disgruntled employees. These employees approached the local restaurant union to get representation. The union organizer and these employees solicited the other restaurant workers to sign cards requesting union certification. The restaurant management had no idea this was going on. Because of the union organizer's pitch, peer group pressure, coercion and a fear of possible retribution, over 70% of the employees signed the cards. Subsequently, management found out and spoke with the employees and thereafter a vote by secret ballot was held. The vote was 85% opposed to the unionization. If it wasn't for management's opportunity to confront the situation with the employees and the secret ballot process, the true will of the workers would have been thwarted.

This is a time to focus on utilizing the stimulus funds available to Hawaii, find ways to revitalize the economy, not hinder it. The secret ballot is the foundation of our democratic system and eliminates coercion and retribution from the process.

Respectfully,

Byron R. Graper
An Individual

March 3, 2009

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

1:00 PM

TESTIMONY ON
HB 952

Chair Oshiro and committee members:

My name is Fred Perlak and I am the Vice-President of Research and Business Operations for Monsanto in Hawaii. I ask that you consider my testimony in strong opposition to HB 952.

My company is part of the corn seed industry here in Hawaii. This industry has grown significantly in Hawaii in recent years, over 40% from 2007 to 2009. We are now the leading agricultural component in the state with over \$146 million in direct spending in Hawaii. It is the faint flicker of light in a darkening and increasingly difficult economy both here in Hawaii and on the mainland.

A big part of our success has been our highly motivated workforce. Everyday, I see how hard everyone works. All of us have demonstrated commitment to our company with dedication, efficiency and a willingness to consistently produce high quality seed. We are proud of our workforce and what we have accomplished. In return, our company provides us with an excellent wage and benefits package, a very safe workplace environment where safety is not compromised and our company's appreciation and respect for employees.

All of the legislation proposed this session to simplify the unionization process has one common theme, the elimination of the secret ballot during the consideration of unionization. I strongly believe our workers have the right to secret ballot, to choose in confidence whether to accept unionization or not. It is their right, a right they have had for decades, a right that has been and should be protected. In a state that prides itself on the protection of the rights of all, I find it wrong and inconsistent that legislation could be adopted that so casually removes the rights of these workers.

Many familiar with the unions do not understand our opposition. Everyone at Monsanto works hard for their pay and our workers should safely and privately, decide whether or not they want to give 2% of their salary for union representation.

When considering this legislation, please consider the rights of our co-workers to choose the issue of unionization safely, privately and secretly. Please do not take that right away. Thank you.

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, March 3, 2009

TIME: 1:00 P.M.

PLACE: Conference Room 308

Dear Representative Oshiro,

Syngenta Hawaii strongly opposes HB 952. Passage of this bill will eliminate one of the most basic human rights – the right to privacy. For that reason, this bill impacts everyone regardless of whether you're an employer, or an employee.

Syngenta Hawaii offers a comprehensive, extensive benefits package to all of our employees. After accepting employment, employees are entitled to three weeks vacation, two additional floating holidays, and full medical, dental and vision coverage. They are eligible to participate in our flexible spending account, legal assistance program and AD&D insurance program. They are entitled to participate in our 401K investment savings plan and our employee stock purchase plan for which Syngenta matches employee contribution up to a specified amount. We also provide educational assistance to employees for continuing education for approved job-related or degree-program coursework after only six months of employment with the Company. We offer service awards, a comprehensive health and safety program with gym reimbursements, adoption services, and many other benefits.

Syngenta Hawaii created almost 200 full-time positions in the State in 2008 and we are continuing to grow. We feel that the benefits package we offer our employees matches or exceeds what other companies or organizations can offer and still maintains flexibility and the opportunity for advancement within the Syngenta organization. We feel that the existing legislation supporting unions is a fair and just way for unions to organize.

Mahalo,

Laurie Goodwin

Laurie Goodwin
Hawaii Outreach Manager
Syngenta Hawaii
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laurie.goodwin@syngenta.com



Rep. Marcus Oshiro

I am writing to express my opposition to senate bill HB 952. I work in the seed industry and despite tough times we are a growing business here in Hawaii. I oppose this bill for a simple reason; it takes away the employee vote and thus negates their right to choose their representation or negotiated benefits package. The "card check" legislation would convey authority to a third party to essentially decide what a private sector employer must provide in terms of wages and benefits. There is no opportunity for employee ratification.

I strongly urge the committee to consider alternative legislation that would allow all workers in the work place to voice their opinion on union representation and the contracts they will work under.

This legislation is counter to the democratic process we have chosen as the basis of our government. Please join me in opposing this legislation.

Respectfully,

Trent Yantes
Wailuku, HI

TESTIMONY IN OPPOSITION

Randy Botti
New West Broadcasting Corporation
1145 Kilauea Ave.
Hilo, HI 96720

Testimony to the House Finance Committee
March 3, 2009
1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it. This measure would add to the current unfriendly business atmosphere that Hawaii is known for.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.



Randy Botti
Sales Manager, New West Broadcasting Corp.

Alan Clark
Island Chevrolet
1177 Kilauea Ave.
Hilo, HI 96720

Testimony to the House Finance Committee
March 3, 2009
1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation. If you should take a stance contrary to a perceived majority opinion, would you want it publicized? Shouldn't you have that right?

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments

RE: HB952

FROM: Geoffrey Hand

Subject: Please VOTE NO on the idea of changing the secret ballot in Union organizing. This is anti-democratic and has no business in a democratic society. We value the right to vote without intimidation from employers or union organizers. Please remember that this is one of the foundations of a society with less corruption not more. Don't forget the lessons of the past or fail to recognize good principles in our governmental system. A vote against this open ballot is a vote for democracy.

The state needs to protect the balance between business and unions and eliminating the secret ballot puts too much trust in unions to do the right thing. We should know better than to put too much power in the hands of any party. Hence the reason for our "balance of powers" in our government, a rational distrust in those with unbalanced powers.

Please don't forget the lessons of the past and vote NO on taking away our right to vote for our choice – not on how we were told to vote.

House of Representatives
Committee on Finance
March 3, 2009
1:00 p.m. in Conference Room 308

Chair Oshiro, Vice Chair Lee and Members of the Committee: I am Keoni Wagner, vice president for public affairs of Hawaiian Airlines.

Hawaiian Airlines opposes House Bill 952, and we respectfully request that you hold ~~this bill~~.

Deleted: HB 952

As summarized in the news media, House Bill 952, also known as "the card check bill," eliminates traditional secret-ballot elections by allowing employees to sign cards indicating they'd like to organize under a labor union. If a majority of a company's workers sign the cards, the union is automatically recognized and free to bargain with management. The measure also mandates binding arbitration in collective bargaining and removes private-property rights for business owners if the unions want to picket on sidewalks and near entry ways of their establishments. It also establishes legal immunity for unions in actions relating to collective bargaining. (Pacific Business News 2/26/09.)

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The proposal to eliminate secret ballots contravenes the principles of individual self determination by subjecting employees to the pressure of their peers. Whether there is pressure from business or those seeking to unionize, the right of an employee to state their preference in a secret ballot is crucial to a democracy. If these principles were to be allowed in public elections, one can understand the devastating effect it would have on the rights of individuals. In a state which has prided itself on protecting the rights of the minority, such a bill is an anathema.

More importantly, our state and nation are facing declines not seen in decades. This downturn is not a matter of a few business failures but of a worldwide financial crisis. We are all in the same economic boat and it is counter-productive for the leadership of the state to increase the costs of doing business in this state. One need only read the headlines from yesterday's newspapers to see that real property values are plummeting, health insurers are facing massive losses, and taxpayers are being asked to pay more taxes. And this bill will place business in a position of being unable to bargain with the union. This is a zero-sum game. Every cost added onto business must be reflected in the price of a product. From rice to roses, the cost of this bill will be felt.

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This is not meant as an affront to unions or their ability to lobby for this legislation. This committee and this legislature must be the final policy arbiter in this decision, and as such must bear the burden of the effects.

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We believe that the negative impacts of this measure both in terms of the elimination of a secret ballot, and the increase in costs from its implementation far outweigh the stated reasons for it—to make unionization easier.

We strongly ask that you hold this bill. Thank you for the opportunity to testify.

Mark S Oskins
73-1323 Hiolani Street
Kailua-Kona, HI 96740
Ph: (808) 325-7759 Home
Cell (808) 987-2950

Testimony to the House Finance Committee
March 3, 2009
1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Mark S Oskins
73-1323 Hiolani Street
Kailua-Kona, HI 96740
Ph: (808) 325-7759 Home
Cell (808) 987-2950

Valerie P. Oskins
73-1323 Hiolani Street
Kailua-Kona, HI 96740
Ph: (808) 325-7759 Home
Cell (808) 960-2406

Testimony to the House Finance Committee
March 3, 2009
1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Valerie P. Oskins
73-1323 Hiolani Street
Kailua-Kona, HI 96740
Ph: (808) 325-7759 Home
Cell (808) 960-2406

-----Original Message-----

From: msteiner@steinerassoc.com [mailto:msteiner@steinerassoc.com]
Sent: Monday, March 02, 2009 12:28 PM
To: Rep. Cynthia Thielen
Subject: HB952, Hearing 3/3/09, Room 308

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I, Michael Steiner of Kailua, HI, respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Michael Steiner, CLM
Principal
Steiner & Associates
702 Kanaha Street
Kailua, HI 96734

Phone: (808) 221-5955
Email: MSteiner@SteinerAssoc.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 8:56 AM
To: FINTestimony
Cc: bill@go-lanai.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bill Caldwell
Organization: Individual
Address: 658 Front St. Lahaina
Phone: 8086613756
E-mail: bill@go-lanai.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: bblitz@netenterprise.com
sent: Monday, March 02, 2009 1:04 PM
To: FINTestimony
Subject: Take Action Now

Bob Blitz
1132 Bishop Street, Suite 700
Honolulu, HI 96813-2847

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 1:53 PM
To: FINTestimony
Cc: bob@waikikibeachactivities.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bob Hampton
Organization: Waikiki Beach Activities
Address: 2005 Kalia Rd
Phone: 951-4088
E-mail: bob@waikikibeachactivities.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 9:13 AM
To: FINTestimony
Cc: bob@oahuhotjobs.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: bob yeager
Organization: Aloha International Employment
Address: 900 Fort Street Mall, 110 Honolulu, HI
Phone: 808 441-2718
E-mail: bob@oahuhotjobs.com
Submitted on: 3/3/2009

Comments:

FINTestimony

From: brendan@ibeads.com
Sent: Tuesday, March 03, 2009 8:06 AM
To: FINTestimony
Subject: Re: HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food, products and services and weaken Hawaii's valuable but shrinking economy.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

At Bead It we have always put an emphasis on providing decent wage and benefits for our most cherished asset (The Bead It Employee family). Our retention rates and length of service are evidence of the power of taking good care of the people that take care of us.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Brendan Barry
Bead It! Inc
Kaimuki, Kailua, Kapolei
808-256-6676 (m)

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 10:16 AM
To: FINTestimony
Cc: mdghawaii@gmail.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bryan Maxwell
Organization: Maxwell Design Group
Address: 2670 Wai Wai Place Kihei, HI
Phone: 808-891-0629
E-mail: mdghawaii@gmail.com
Submitted on: 3/3/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 3:55 PM
To: FINTestimony
Cc: caldwell@mauiclassiccharters.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: c caldwell
Organization: Individual
Address: 735 lanina pl kihei hi
Phone: 8088744851
E-mail: caldwell@mauiclassiccharters.com Submitted on: 3/2/2009

Comments:

FINTestimony

From: carol@kingautocenter.com
Sent: Monday, March 02, 2009 9:46 AM
To: FINTestimony
Subject: Take Action Now

Carol Furtado
4330 Kukui Grove Street
Lihue, HI 96766

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

Aloha, my name is Carol Furtado and I am employed by the King Auto Group, an automobile dealership with one dealership on Kauai and two on Oahu. We currently employ approximately 175 employees. Having worked in the Human Resources field for over 30 years in both union and non-union environments and having been a union member myself, I find the thought of government taking away my right to vote in secret to be unacceptable. Therefore, I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Most important is that this measure removes every employee's right to a secret ballot in determining whether to have union representation. This kind of law is unfair to employee who may not want union representation and will not be offered the right to vote in a secret ballot election, like they would in any National, State or County election. This, I believe, is a fundamental right of every individual.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 6:56 AM
To: FINTestimony
Cc: info@maucave.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: CHARles Thorne
Organization: Individual
Address: 205 Ulaino Rd. Hana, HI 96713
Phone: 808 248-7308
E-mail: info@maucave.com
Submitted on: 3/3/2009

Comments:

I used to work as a non union building contractor. Years ago, the carpenters union burned to the ground a large apartment building I was building. A crew of six were forced to collect unemployment for the entire winter as a new building could not be started until spring. Any thing which would give more power to labor unions should be vehemently opposed. A mans right to work as an individual must remain inviolate..

FINTestimony

From: crobbins@cochawaii.org
Sent: Monday, March 02, 2009 10:04 AM
To: FINTestimony
Subject: Take Action Now

Chris Robbins
1132 Bishop Street, Suite 402
Honolulu, HI 96813-2830

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

Dear Sir,

I was previously part of a union with my prior employment and I have experienced first-hand how my individual rights were impaired by union membership. I was not able to negotiate directly with my previous company managers on specific items that were most important to me personally on an individual level. I also observed how workers feel undue influence by others to follow along in support of the union. A Secret Ballot is a right that all workers should have to choose regarding labor unions.

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill.

Thank you for the opportunity to submit written comments. Sincerely, Christopher Robbins

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 4:26 PM
To: FINTestimony
Cc: cindy@mvprince.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Cynthia Koehne
Organization: Maui-Molokai Sea Cruises
Address: P.O. Box 516 Kahului, HI 96733
Phone: (808) 242-8777
E-mail: cindy@mvprince.com
Submitted on: 3/2/2009

Comments:

Please accept the following as testimony in opposition to HB952.

The "card check" procedure proposed in this Bill changes a secret ballot to an open ballot. Organizers and employers will know how employees voted. It is ripe for intimidation, pressure or coercion from fellow employees, labor representatives or the even the employer. The anonymity of votes is fair, appropriate and democratic. This must be in place to protect privacy and ensure workers have the ability to vote their conscience without fear or repercussion or retaliation.

This is a very serious issue and every employed citizen should have the right to a "secret" ballot.

This Bill also contains vagueness regarding how & when signatures are collected. It also places deadlines on negotiating parties regardless of complexities.

With our current economy government should be working to support business to create jobs, not legislating potentially crippling processes. This proposed bill is bad for business and will cause organizations such as ours to close down. Is that what the Hawaii State Legislature wants? Hawaii has a large amount of small businesses and this will be disastrous for us. It's already very difficult paying for health insurance for our employees now you, the legislature, want to "tighten the noose" that is already being felt around our necks.

Enough already! I'm tired of hearing about the unions wanting more and more. No wonder the cost of living and medical care is so expensive in the islands. The revenues made by unionized companies is to cover all of the UNION requirements and pay scales.

We are all struggling to "stay afloat" and not become a burden to the state but if this bill is passed then the unemployment lines will be getting longer. Shame on all of you that vote in favor of destroying the existing small businesses in Hawaii.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 10:17 AM
To: FINTestimony
Cc: cynthiadesiree@comcast.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Cynthia Petersen
Organization: Individual
Address: 92-1001 Allinui Dr. Kapolei, Hi
Phone: 808-744-6804
E-mail: cynthiadesiree@comcast.net
Submitted on: 3/2/2009

Comments:

It is absurd that anyone would want to take away the right to vote with a secret ballot.
That is what this Country is founded on. Thank you.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:23 PM
To: FINTestimony
Cc: dan.clegg@monsanto.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Dan Clegg
Organization: Individual
Address:
Phone:
E-mail: dan.clegg@monsanto.com
Submitted on: 3/2/2009

Comments:

The ability to vote privately and in secret is the basis for a democratic society.

In defense of the rights of the potentially affected workers. I oppose this bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 9:49 AM
To: FINTestimony
Cc: drcmaui@live.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: David Campbell
Organization: Individual
Address: 7 Lanikeha Place Kahului, HI 96732
Phone: 808-249-2920
E-mail: drcmaui@live.com
Submitted on: 3/2/2009

Comments:

This Bill is a disservice to all Hawaii workers. It is ripe for intimidation, pressure or coercion from fellow employees, labor representatives or even the employer. The current system of anonymity of votes is fair, appropriate and democratic. Anonymity must be maintained to protect employees' privacy and ensure that workers have the ability to vote their conscience, without fear due to repercussion or retaliation.

This Bill also contains vagueness regarding how & when signatures are collected. In addition, it places deadlines on negotiating parties, regardless of their complexities.

Furthermore, with the state of our current economy, Hawaii's government should be working to support business to create jobs, not legislating potentially crippling processes.

Please consider, carefully, the consequences of your actions. Then vote NO to the support of HB952.

Mahalo Nui Loa,
David Campbell

FINTestimony

From: dhalcro@vpgmail.com
sent: Monday, March 02, 2009 12:38 PM
To: FINTestimony
Subject: HB952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Respectfully,

Deborah Halcro, President
Valenti Print Group
999 Waimanu Street
Honolulu, HI 96814

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 9:48 AM
To: FINTestimony
Cc: noelani@maui.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Donna Lorenz
Organization: Noelani Condo Resort
Address: 4095 l. Honoapiilani Rd Lahaina, Hi 96761
Phone: 808-669-8374
E-mail: noelani@maui.net
Submitted on: 3/3/2009

Comments:

Small Businesses are having a hard enough time existing here - unions streamling is not the answer

FINTestimony

From: dbelle@terminix.com
ent: Monday, March 02, 2009 11:43 AM
To: FINTestimony
Subject: Take Action Now

Doug Belle
73-5574 Olowalu Street, Suite 11 & 12
Kailua-Kona, HI 96740-2675

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

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Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: ed.hubennette@marriott.com
Sent: Monday, March 02, 2009 10:04 AM
To: FINTestimony
Subject: Take Action Now

Ed Hubennette
2255 Kuhio Avenue, Suite 1020
Honolulu, HI 96815-2648

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

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Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 9:56 AM
To: FINTestimony
Cc: edrob@maui.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Edward A Robinson
Organization: Individual
Address: 116 Koki St. Kihei, HI
Phone: 8088750364
E-mail: edrob@maui.net
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 11:57 AM
To: FINTestimony
Cc: fred@ejlounge.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Fred Remington
Organization: Individual
Address: 92-1353 Hoalii St Kapolei, HI 96707
Phone: 672-5213
E-mail: fred@ejlounge.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 01, 2009 3:07 PM
To: FINTestimony
Cc: ghmanago@gmail.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Gary Manago
Organization: Individual
Address: 449 Kapahulu Ave #201 Honolulu
Phone: 8087374461
E-mail: ghmanago@gmail.com
Submitted on: 3/1/2009

Comments:
Opposition to HB952 Union Card Check Legislation

House Finance Committee
House Conference Room 308
Hawaii State Capitol

Committee Chairman Marcus R. Oshiro, Vice Chair Marilyn B. Lee & Committee Members,
I am in opposition to HB952.

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process.

All employees deserve the right to make this important decision fully informed and in private by secret ballot. HB952 would deny many employees a voice in determining whether or not to be represented by collective bargaining.

Employers should also be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Given the current economy, government should be working with the business community to create jobs, not legislate disincentives.

Respectfully,

Gary Manago
President
Sergio's LLC

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:46 AM
To: FINTestimony
Cc: glennida@hotmail.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Attachments: HB 952, 3-3-09



HB 952, 3-3-09 (25
KB)

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: support
Testifier will be present: Yes
Submitted by: Glenn Ida
Organization: Hawaii Teamsters Local 996
Address: 1817 Hart St. Honolulu, Hi. 96819
Phone: 808-295-1280
E-mail: glennida@hotmail.com
Submitted on: 3/2/2009

Comments:
Aloha Clerk,
Please call me at 295-1280 if there's problems with my attachment.
Mahalo,
Glenn Ida

FINTestimony

From: glenn_muranaka@deanfoods.com
Sent: Monday, March 02, 2009 12:26 PM
To: FINTestimony
Subject: HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:46 PM
To: FINTestimony
Cc: grant.manning@syngenta.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Grant Manning
Organization:
Address: 7050 Kaunualii Kekaha, HI
Phone: 808-337-1408
E-mail: grant.manning@syngenta.com
Submitted on: 3/2/2009

Comments:

The existing law honors a worker's right to a private ballot. Currently, workers sign cards indicating interest in an election. The union and the employer then have a chance to make their case before workers vote in a federally-supervised private-ballot election. If the union collects more than 50% of required signatures, and those signatures are certified, then collective bargaining begins.

Workers would lose their right to a secret ballot.

71% of voters agree that a private election is better than card check!

This bill would give union organizers free rein to pressure workers into joining unions, potentially subjecting them to intimidation and abuse from union bosses. Workers also feel obligated to sign the cards (or petition) due to pressure from pro-union coworkers. The secret ballot is the only opportunity for a worker to make a decision about joining a union - free of intimidation from union, employer or coworkers.

But that's not all. This bill could force companies to let government arbitrators decide how their business operates. This bill would send companies into binding arbitration if they cannot reach agreement with the union. This means a panel of government arbitrators with no understanding of the needs of the employees would impose a two year contract which would decide all workplace terms without any review by the company or its employees.

75% of voters believe government arbitrators shouldn't decide the conditions of a union contract.

FINTestimony

From: gkagawa@askoxy.com
Sent: Tuesday, March 03, 2009 8:35 AM
To: FINTestimony
Subject: card check bill

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I am Gordon Kagawa, President of Occidental Underwriters of Hawaii, a locally owned insurance agency. My contact information by email is gkagawa@askoxy.com. I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: jtoth@netenterprise.com
Sent: Monday, March 02, 2009 12:33 PM
To: FINTestimony
Subject: HB 952 Testimony

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is J Toth and I am with NetEnterprise Inc., a Hawaii-based network services integrator with 45 employees.

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 2:23 PM
To: FINTestimony
Cc: captcoon@hawaiiintel.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Attachments: HB952_Unionize no Secret Ballot.htm



HB952_Unionize no
Secret Ballo...

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: James E. Coon
Organization: Ocean Tourism Coalition
Address: 820 Mililani St. Ste., 810 Honolulu, HI 96813
Phone: 808-537-4308
E-mail: captcoon@hawaiiintel.net
Submitted on: 3/2/2009

Comments:

This bill would be very bad for the privacy of the workers and the hundreds of small family businesses in the State. Please Kill this bill HB952

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 8:59 AM
To: FINTestimony
Cc: jandj@shaka.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Janet Mozina
Organization: Individual
Address: 356 Kai Malu Place Kihei, HI
Phone: 808-870-2610
E-mail: jandj@shaka.com
Submitted on: 3/3/2009

Comments:

Government too involved in business. This proposal may lead to more damage and destruction to the companies who are providing work. Does state want to have more unemployment?

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 9:35 AM
To: FINTestimony
Cc: info@1888sip2you.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jesse Law
Organization:
Address:
Phone:
E-mail: info@1888sip2you.com
Submitted on: 3/3/2009

Comments:
Jesse Law
PO Box 10006
Hilo, HI 96721

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
sent: Tuesday, March 03, 2009 9:11 AM
To: FINTestimony
Cc: jbradley@mauinews.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Joe Bradley
Organization: Maui Publishing Co., Ltd.
Address: 100 Mahalani St. Wailuku, HI 96793
Phone: 808-242-6305
E-mail: jbradley@mauinews.com
Submitted on: 3/3/2009

Comments:

It is incredible to me that with the economy in this state of disrepair, the legislature is blithely going to pass a bill that will be the final nail in the coffin of many of our small businesses.

At a time when the legislature should be doing everything possible to help our businesses survive, this measure alone is going to cause a lot of closed doors.

Somehow, getting rid of a bunch of businesses doesn't seem like a very good way to pay off your union supporters.

FINTestimony

From: jo@honinfo.com
Sent: Monday, March 02, 2009 1:28 PM
To: FINTestimony
Subject: Take Action Now

Jo Kamae Byrne
P.O. Box 2390
Honolulu, HI 96804-2390

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Jo Kamae Byrne and I have been an advocate of open government and sunshine in government for many years. One of the basic rights of our democracy revolves around the concept of individuals having the right to vote for their elected representatives and to do so through secret ballot. Why would this basic right to a secret ballot not be applicable or available in other circumstances such as the one addressed in this bill?

I respectfully request that you hold HB 952.

Fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation. The loss of privacy while casting a ballot subjects individuals to peer and outside pressure that does not serve the democratic process.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 9:11 PM
To: FINTestimony
Cc: jbarnett@hawaii.rr.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Dr. John J. Barnett
Organization: Barnett Consulting Group
Address: 81-6630 Kekaa Pl Kealakekua, HI 96750
Phone: 808-323-2141
E-mail: jbarnett@hawaii.rr.com
Submitted on: 3/2/2009

Comments:

As a professional management consulting to organizations, all that we can do to limit inappropriate influence and to give individuals / employees independent voice to state their views is critical. Therefore, secret balloting, used in general elections, is the proven method for giving people the opportunity to voice their choice without being unduly influenced by their own union leadership. Without that freedom, fear and intimidation will persist.

I strongly opposed HB952 and believe that my legislators should also opposed the bill. I will be watching for the results and do intend to hold my own representative Denny Coffman accountable for the way he votes.

John Barnett

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 9:27 AM
To: FINTestimony
Cc: john.leong@ponopacific.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: John Leong
Organization: Pono Pacific Land Management
Address: 3569 Harding Ave, Unit A Honolulu, HI 96816
Phone: 808-735-1221
E-mail: john.leong@ponopacific.com
Submitted on: 3/2/2009

Comments:

As a local business owner, I oppose this bill. I feel strongly that this will further cripple smaller businesses like mine if forced to unionize. We are already having enough of a hard time making ends meet, but to force the added costs of union fees, forcing us to charge higher and lose business, would be very bad. Please do not support this bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 11:15 AM
To: FINTestimony
Cc: jonpetersen@comcast.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Jon Petersen
Organization: Individual
Address: 590 Farrington Hwy Kapolei
Phone: 808-744-6804
E-mail: jonpetersen@comcast.net
Submitted on: 3/2/2009

Comments:
HB 952, Finance Committee, Mar 3 1:00 pm

I oppose the HB 952 Collective Bargaining Petition. I feel that it takes away all rights of employees and employers in a democratic society. As an employee, we already have standards set forth by OSHA and the Department of Labor that protect us in the work place. Secondly and most important is the fact that employees should have the right to a federally-supervised private ballot election. If this bill passes, the Union and fellow employees will be given free reign of terror when it comes to intimidating employees into joining a union. Each employee should be given the right to make that choice on their own, without intimidation from others.

Jon D. Petersen

03-02-2009

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:54 PM
To: FINTestimony
Cc: jon.stocker@syngenta.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jon Stocker
Organization: Individual
Address:
Phone:
E-mail: jon.stocker@syngenta.com
Submitted on: 3/2/2009

Comments:

The existing law honors a worker's right to a private ballot and workers would lose their right to a secret ballot.

This bill would give union organizers free rein to pressure workers into joining unions, potentially subjecting them to intimidation and abuse from union bosses.

FINTestimony

From: josevilla@villaromacomm.com
Sent: Monday, March 02, 2009 2:56 PM
To: FINTestimony
Subject: Take Action Now

Jose Villa
Hawaii Hispanic News
PMB 344, POB 30800
Honolulu, HI 96820

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Jose Villa, publisher of Hawaii Hispanic News (808.351-8013). I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: kaeo@koolinalm.com
ient: Monday, March 02, 2009 8:43 PM
To: FINTestimony
Subject: Please Say No!

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952 as it will be extremely detrimental to small businesses who are already battling to stay afloat. My name is Ka'eo Gouveia and I run a small business by the name of Mokulua Contracting LLC. We are 67 strong and we provide full service grounds, building and janitorial maintenance services.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: kkane@argosy.edu
Sent: Monday, March 02, 2009 9:23 AM
To: FINTestimony
Subject: Hold HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I Kawika Kane of Kapolei, HI, respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Kawika Kane
Kapolei, HI

Cell: 366-6559
Email: kkane@argosy.edu

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 9:06 AM
To: FINTestimony
Cc: maloneyj002@hawaii.rr.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kathryn Maloney
Organization: Individual
Address: 24 Kilolani Lane #302 Kihei, HI 96753
Phone: 808-879-3562
E-mail: maloneyj002@hawaii.rr.com
Submitted on: 3/3/2009

Comments:

I believe all votes should be private and confidential. Without this, it is too easy for the vote to be "tainted by influence and intimidation."

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 2:02 PM
To: FINTestimony
Cc: ken@hikemaui.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenneth Schmitt
Organization: Hike Maui
Address: 285 Hukilike St. B-104 Kahului, HI 96732
Phone: 808-878-6945
E-mail: ken@hikemaui.com
Submitted on: 3/2/2009

Comments:

Workers should have the right to a private ballot, not an open ballot. The bill's vagueness regarding how and when signatures are collected, and the deadlines on negotiating parties regardless of complexities can be crippling to business. We need help with employment, not more legislated problems.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:00 AM
To: FINTestimony
Cc: chicoine@hawaiian.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kenny Chicoine
Organization: Individual
Address: PO Box 804 Waimea, HI
Phone: 808-338-1833
E-mail: chicoine@hawaiian.net
Submitted on: 3/2/2009

Comments:

I strongly oppose taking away the right to a secret ballot. Everyone has the right to make their own decision privately.

If the unions truly bring a benefit to the employees they serve then they should also be supporting the right to a secret ballot.

With the current economic uncertainties in our state, we certainly don't want to place another potential hurdle before our struggling businesses.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:11 PM
To: FINTestimony
Cc: cramk001@hawaii.rr.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kevin Cram
Organization: Individual
Address: 1604 Papau Place Kapaa, HI
Phone:
E-mail: cramk001@hawaii.rr.com
Submitted on: 3/2/2009

Comments:

Privacy in voting is a major concern. If a voters identity can be matched with their vote, there is a possibility of intimidation. I am against a bill that might eliminate that privacy.

FINTestimony

From: robertka@ah.org
Sent: Monday, March 02, 2009 12:48 PM
To: FINTestimony
Subject: OPPOSE HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

Kevin A. Roberts, R.N.
President and CEO
Castle Medical Center
Kailua, Hawaii

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 1:12 PM
To: FINTestimony
Cc: kristin.buckley@syngenta.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kristin Buckley
Organization: Syngenta Seeds
Address: Kekaha, HI
Phone:
E-mail: kristin.buckley@syngenta.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:14 PM
To: FINTestimony
Cc: sqhawaii@mac.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kyle Fields
Organization: Individual
Address: 77-298 Ho'omohala Rd Kailua-Kona, HI
Phone: 808 557-1559
E-mail: sqhawaii@mac.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
sent: Monday, March 02, 2009 1:02 PM
To: FINTestimony
Cc: larrybob@captainsundown.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Lawrence Butler
Organization: Individual
Address: 4473 Malulani St Kilauea, Hawaii
Phone: 6456241
E-mail: larrybob@captainsundown.com
Submitted on: 3/2/2009

Comments:
This is a terrible bill. Throw it out!

FINTestimony

From: lwebber@honoluluadvertiser.com
Sent: Monday, March 02, 2009 2:43 PM
To: FINTestimony
Subject: Take Action Now

Lee P. Webber
PO Box 3350
Honolulu, HI 96801

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: lillian.sakane@hmshost.com
Sent: Monday, March 02, 2009 11:08 AM
To: FINTestimony
Subject: Take Action Now

Lillian Sakane
PO Box 30428
Honolulu, HI 96822-0428

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Lillian Sakane from HMSHost, Food & Beverage Concessionaire at the Honolulu International Airport. I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation. I believe this right should be preserved.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Lisa.Daijo@expresspros.com
Sent: Monday, March 02, 2009 9:29 AM
To: FINTestimony
Subject: Take Action Now

Lisa Daijo
1130 N. Nimitz Highway
Honolulu, HI 96817-4579

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:07 PM
To: FINTestimony
Cc: lisen@pixi.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Attachments: HB952.jpg



HB952.jpg (125 KB)

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Lisen Berquist
Organization: Individual
Address: 4701 Kawaihau Rd, A202 Kapaa, HI
Phone: 8088238180
E-mail: lisen@pixi.net
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 8:50 AM
To: FINTestimony
Cc: Lori@wildip.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Lori Tezak
Organization: Individual
Address:
Phone:
E-mail: Lori@wildip.com
Submitted on: 3/3/2009

Comments:

FINTestimony

From: mailer@gloverltd.com
Sent: Monday, March 02, 2009 9:42 AM
To: FINTestimony
Subject: Take Action Now

Maile Romanowski
PO Box 579
Honolulu, HI 96809

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I am Maile Romanowski of Jas. W. Glover, Ltd., a general contractor and material supplier, serving Hawaii for 74 years. I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of all local goods and services in Hawaii and weaken Hawaii's economic future.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation. This is an extremely undemocratic and un-American bill to be proposed and is an insult to all working people in Hawaii. All workers should have the right to vote by secret ballot regarding their future. Will we soon not have the right to a secret ballot when voting for our state legislators?

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Marc Rubenstein [marc_rubenstein@hotmail.com]
Sent: Tuesday, March 03, 2009 9:29 AM
To: FINTestimony
Subject: *****SPAM*****

TESTIMONY IN STRONG OPPOSITION TO HB 952

HOUSE COMMITTEE ON FINANCE
Tuesday, 3 march 2009 in Room 308 at 1300

Chair Oshiro and Respected Members of the Committee;

My name is Marc Rubenstein. I have voted in every election held since I was 18. I'm now 45. Never have I been deprived of the right to vote my opinion with the protection of a secret ballot. This bill is patently un-American and needs to be held. We live in a democracy, and the right to a secret ballot is fundamental to a free society. If you review the history of labor law & collective bargaining, you will see that the reason secret ballots were initiated in the 1940's was to install a level playing field and prevent coercion and bullying from EITHER labor or management.

That's what democracy is: Freedom of choice!

Please hold this bill!

Marc Rubenstein
5 Sand Island Rd #121
Honolulu, Hawaii 96819
(808) 841-7827
marc_rubenstein@hotmail.com

Windows Live™ Contacts: Organize your contact list. [Check it out.](#)

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:14 PM
To: FINTestimony
Cc: mark@bluewaterrafting.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: MARK DERENSIS
Organization:
Address: 1280 South Kihei Road, Ste 205 Kihei, HI
Phone: 808 879 0669
E-mail: mark@bluewaterrafting.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 9:22 AM
To: FINTestimony
Cc: MHoenig@PuroClean.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mark Hoenig
Organization: Individual
Address: 138 Kapela Pl Kahului, HI
Phone: 808-268-6701
E-mail: MHoenig@PuroClean.com
Submitted on: 3/3/2009

Comments:

As a small business owner, I treat my employees very well. They are paid above industry averages, and we interact with them as friends and fellow team members. If they were unionized, it would not only create a very serious financial burden, but it would change the great working relationship we now have. I am definitely OPPOSED to HB952, and ask you to vote accordingly.

With respect,
Mark Hoenig

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 3:51 AM
To: FINTestimony
Cc: mark.oconnor@monsanto.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mark O'Connor
Organization: Individual
Address: 1900 Pulehu Road Kula, HI
Phone: 808 357-3072
E-mail: mark.oconnor@monsanto.com
Submitted on: 3/2/2009

Comments:

I am opposed to HB 952. This bill proposed an undemocratic practise of instituting a union without a secret ballot where employees can vote without intimidation. We are a democratic state where each person is free to make their own choice based on input from both the employer and a potential union. This bill will allow intimidation of workers by those in favor of unions to force a union on workers without a secret election.

Further, it will also allow binding arbitration by government arbitrators. Companies have the right to bargain with their employees directly.

This bill must be rejected. It is both undemocratic and unfair to workers and employers in the State of Hawaii.

FINTestimony

From: mbarger@fjhawaii.com
Sent: Monday, March 02, 2009 9:28 AM
To: FINTestimony
Subject: Take Action Now

Martin Barger
730 Ala Moana Blvd.
Honolulu, HI 96813-5507

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: maylynn.wong@halekulani.com
Sent: Monday, March 02, 2009 11:27 AM
To: FINTestimony
Subject: Take Action Now

Maylynn Wong
700 Bishop Street, Suite 600
Honolulu, HI 96813-4107

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Maylynn Wong, Human Resources Manager for Halekulani a hotel and resort on Oahu.

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mmomoki@itchawaii.com
Sent: Monday, March 02, 2009 12:14 PM
To: FINTestimony
Subject: Don't hurt small business

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Melinda Momoki
Island title Corporation
808-531-0261

FINTestimony

From: melvin_kam@hawaiianisles.com
Sent: Monday, March 02, 2009 9:29 AM
To: FINTestimony
Subject: Take Action Now

Melvin Kam
2839 Mokumoa Street
Honolulu, HI 96819-4402

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: msteiner@steinerassoc.com
Sent: Monday, March 02, 2009 12:28 PM
To: FINTestimony
Subject: HB952, Hearing 3/3/09, Room 308

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I, Michael Steiner of Kailua, HI, respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Michael Steiner, CLM
Principal
Steiner & Associates
702 Kanaha Street
Kailua, HI 96734

Phone: (808) 221-5955
Email: MSteiner@SteinerAssoc.com

FINTestimony

From: mlau@cochawaii.org
ent: Monday, March 02, 2009 12:57 PM
fo: FINTestimony
Subject: Testimony

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Michele Lau
The Chamber of Commerce of Hawaii
The Voice of Business
1132 Bishop Street Suite 402
Honolulu Hawaii 96813
808-545-4300

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. `imply, unionization will increase the cost of locally produced food and weaken Hawaii's aluable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 2:46 PM
To: FINTestimony
Cc: mitch.sipiala@fourseasons.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mitch Sipiala
Organization:
Address: 72-100 Kaupulehu Dr kailua Kona, HI
Phone: 808 325-8021
E-mail: mitch.sipiala@fourseasons.com
Submitted on: 3/2/2009

Comments:
Mitch Sipiala
Four Seasons Resort Hualalai
72-100 Kaupulehu Dr
Kailua Kona, HI 96740

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

We work in the tourism and hospitality sector. We have always maintained a strong working relationship with our employees, and currently operate in a union free environment. This is possible due to the way we treat our employees, with dignity, pride and respect, and we also choose to pay top line wages and offer very competitive benefits for employees and their families. We feel strongly that a 3rd party representative will compromise what we have today, and is unnecessary for our environment.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

Mitch Sipiala

FINTestimony

From: myahe@hagadoneprinting.com
Sent: Monday, March 02, 2009 9:56 AM
To: FINTestimony
Subject: Take Action Now

Myah Ely
274 Puuhale Road
Honolulu, HI 96819-4931

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Myah Ely and I can be reached at 852-6348. I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 01, 2009 8:22 PM
To: FINTestimony
Cc: neildietz@msn.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Neil Dietz
Organization: Hawaii Ports Maritime Council
Address: 606 Kalihi Street Honolulu, HI 96819
Phone: 845-5222
E-mail: neildietz@msn.com
Submitted on: 3/1/2009

Comments:

FROM;

Neil Dietz, Secretary-Treasurer

Hawaii Ports Maritime Council

RE:

H.B. 952 - RELATING TO LABOR

Testimony in support

The Hawaii Ports Maritime Council, representing men and women working in Hawaii's maritime industry, is pleased to strongly support H.B. 952- RELATING TO LABOR. We strongly support both the purpose and intent of this legislation.

Currently employers avail themselves of the opportunity to thwart the purpose of the secret ballot in union representation elections by engaging in campaigns (formal and informal) of fear and intimidation against a worker's right to chose a union. H.B. 952 will correct the current imbalance that favors employers by making clear the choice employees express when they sign a card expressing their choice for a union in their workplace.

H.B. 952 restores the choice of a union to the hands of the employees, where it belongs by law, by custom and by right.

Other suggested changes to Chapter 377, HRS will prevent employers from stalling indefinitely from entering into negotiations with the union of their employees choosing.

Workers are long-overdue in receiving this equality of treatment with their employers. For far too long has the deck been stacked against a worker's free choice to chose a union for collective bargaining. We ask the Committee to restore some measure of fairness to our workplaces and urge the Committee's support of H.B. 952.

Thank you for the opportunity to express our opinion.

Neil Dietz, Secretary-Treasurer

Hawaii Ports Maritime Council

606 Kalihi Street

Honolulu, HI 96789

(phone: 845-5222)

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 2:35 PM
To: FINTestimony
Cc: nicole@ztourz.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Nicole Workman
Organization: Individual
Address:
Phone:
E-mail: nicole@ztourz.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: honolulu_gm@hardrock.com
Sent: Monday, March 02, 2009 1:03 PM
To: FINTestimony
Subject: Testimony to the House Finance Committee, HB 952

Niki Doyle
Hard Rock Cafe, General Manager
1837 Kapiolani Blvd
Honolulu, HI 96826
(808) 955-7383 ph
(808) 949-6040 fax
Honolulu_gm@hardrock.com

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure. I know that my business would not be able to survive the cost increases under unionization and would put us out of business.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

Sincerely,

Niki Doyle

FINTestimony

From: noelle@consumerserviceanalysis.com
Sent: Monday, March 02, 2009 9:43 AM
To: FINTestimony
Subject: Take Action Now

Noelle Condon
Consumer Service Analysis, Inc.
A Retail Management Consulting Company
91-1170 Puaina St
Ewa Beach, HI 96706-1841
(808)347-6762

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: pduarte@kahalanui.com
Sent: Monday, March 02, 2009 2:27 PM
To: FINTestimony
Subject: HR 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Pat Duarte and I am the President and Chief Executive Officer of Kahala Senior Living Community, Inc. I appreciate the opportunity to testify.

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Pattie_furtado@hotmail.com
Sent: Monday, March 02, 2009 12:56 PM
To: FINTestimony
Subject: NO on CHECK CARD

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 5:31 PM
To: FINTestimony
Cc: pete@hawaii.rr.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: PETE FISHER
Organization: Kayak Wailua, LLC
Address: Kuhio Hwy Kapaa, HI
Phone: 808-651-9939
E-mail: pete@hawaii.rr.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 2:58 PM
To: FINTestimony
Cc: vie@maui.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Raymond J Hutaff
Organization: Valley Isle Excursions, Inc
Address: 390 Papa Pl Unit B Kahului
Phone: 808-871-5224
E-mail: vie@maui.net
Submitted on: 3/2/2009

Comments:

I am opposed to this bill, having been an employee most of my life I have worked for union companies and non union companies.

I worked for a company where a union tried to represent us. The Union gave their sales pitch as did the company owners and we voted without anyone knowing our names, this allowed us to vote on the information provided by both sides. Since no one knew who voted for what (our names were not known) All of us voted as we felt best for us (employees).

Having names and our vote made public will only cause problems for the employees. This is harmful bill for employees, for the unions and for the employer. This bill will have a negative effect and will breed hard feelings no matter what the outcome. Please don't put our valuable workforce in this position. Toss the bill out.

Raymond J Hutaff

FINTestimony

From: bward@wardresearch.com
Sent: Monday, March 02, 2009 9:27 AM
To: FINTestimony
Subject: Take Action Now

Rebecca S. Ward
828 Fort Street Mall, Suite 210
Honolulu, HI 96813-4321

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: rawcohi@cs.com

Sent: Monday, March 02, 2009 4:07 PM

To: FINTestimony

Subject: Testimony in opposition to HB 952, Tuesday, 3/03 at 1300 in Rm 308 House Committee on Finance

TESTIMONY IN STRONG OPPOSITION TO HB 952

HOUSE COMMITTEE ON FINANCE

Tuesday, 3 march 2009 in Room 308 at 1300

Chair Oshiro and Respected Members of the Committee;

My name is Reg White. I have been a merchant mariner all of my life. I have belonged to two different maritime unions during that period. Never have I been deprived of the right to vote my opinion. This bill is patently un-American and needs to be held. We live in a democracy, and if I cannot make the case sufficiently for my fellow workers to join so there will be a majority vote, then so be it. That's what democracy is: Freedom of choice!

Please hold this bill!

Reg White
1540 S. King St.
Honolulu, Hawaii 96826-1919
(808) 222-9794
RawcoHI@cs.com

Email message sent from CompuServe - visit us today at <http://www.cs.com>

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:48 PM
To: FINTestimony
Cc: sundown@aloha.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Butler
Organization: Individual
Address: Malulani St Kilauea, Hawaii
Phone: 645 6241
E-mail: sundown@aloha.net
Submitted on: 3/2/2009

Comments:

Voting, even for president, or any other office or bill is a personal matter and should be preserved as such.

Why have workers subjected to gangsterism from unions or employers?

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 9:20 AM
To: FINTestimony
Cc: rpere4@aol.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Pereira
Organization: Individual
Address: 1365 Kukana Way Kailua, HI
Phone: 808-845-7851 x101
E-mail: rpere4@aol.com
Submitted on: 3/3/2009

Comments:

FINTestimony

From: bob@midashawaii.com
ent: Monday, March 02, 2009 1:27 PM
To: FINTestimony
Subject: H.B. No. 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

My name is Robert D. Pereira and I am the President of Midas Hawaii doing business in Hawaii for forty years.

On behalf of myself and the 100+ employees at Midas Hawaii I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation. From my own experience I know the peer pressure that some individuals can place on fellow workers in a meeting. Only by secret ballot can an employee express his/her true feeling regarding unionization. In the case of Midas Hawaii in 1980, although it seemed that some workers wanted to unionize, only one person out of 30 voted for unionization.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:51 AM
To: FINTestimony
Cc: bob@mauidivers.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Taylor
Organization: Maui Dvivers of Hawaii, Ltd
Address:
Phone: 946-7979
E-mail: bob@mauidivers.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: rodney.ito@marriott.com
Sent: Monday, March 02, 2009 9:29 AM
To: FINTestimony
Subject: Take Action Now

Rodney Ito
69-275 Waikoloa Beach Drive
Waikoloa, HI 96738

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:13 AM
To: FINTestimony
Cc: seatour@aloha.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Ronnie Grover
Organization: Individual
Address: 4353 Waialo Rd Eleele, HI
Phone: 808 335 5309
E-mail: seatour@aloha.net
Submitted on: 3/2/2009

Comments:

A workers vote or Ballot should be private matter, this law protects individual privacy, it should not be changed.

Thank you

FINTestimony

From: ruthl@thelimtiacompany.com
Sent: Monday, March 02, 2009 9:44 AM
To: FINTestimony
Subject: HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

From Ruth Limtiaco, CEO
The Limtiaco Company

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:02 AM
To: FINTestimony
Cc: jtm255@hotmail.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: S Akana
Organization: Individual
Address: Lihue, Hawai'i
Phone:
E-mail: jtm255@hotmail.com
Submitted on: 3/2/2009

Comments:

The National Labor Relations Act was amended to provide workers the right to a private ballot. This happened as a result of widespread intimidation of workers during organizing drives in 1930's and 1940's. There is no reason to change this.

The "card check" procedure proposed in this Bill changes a secret ballot to an open ballot. Organizers and employers will know how employees voted. It is ripe for intimidation, pressure or coercion from fellow employees, labor representatives or the employer. The anonymity of votes is fair, appropriate and democratic. This must be in place to protect privacy and ensure workers have the ability to vote their conscience without fear or repercussion or retaliation.

This Bill also contains vagueness regarding how and when signatures are collected. It also places deadlines on negotiating parties regardless of complexities.

With our current economy government should be working to support business to create jobs, not legislating potentially crippling processes.

FINTestimony

From: mnrc@maunalani.org
sent: Monday, March 02, 2009 12:47 PM
To: FINTestimony
Subject: HB 952 re Card Check

Sai Chantavy, Executive Director
Maunalani Nursing and Rehabilitation Center (A non-profit, skilled nursing facility)
5113 Maunalani Circle
Honolulu, HI 96816
Tel: (808) 732-0771

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:01 AM
To: FINTestimony
Cc: jtm255@hotmail.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Scott
Organization: Individual
Address: Luina Lihue, Hawai'i
Phone: 808-246-3644
E-mail: jtm255@hotmail.com
Submitted on: 3/2/2009

Comments:

The National Labor Relations Act was amended to provide workers the right to a private ballot. This happened as a result of widespread intimidation of workers during organizing drives in 1930's and 1940's. There is no reason to change this.

The "card check" procedure proposed in this Bill changes a secret ballot to an open ballot. Organizers and employers will know how employees voted. It is ripe for intimidation, pressure or coercion from fellow employees, labor representatives or the employer. The anonymity of votes is fair, appropriate and democratic. This must be in place to protect privacy and ensure workers have the ability to vote their conscience without fear or repercussion or retaliation.

This Bill also contains vagueness regarding how and when signatures are collected. It also places deadlines on negotiating parties regardless of complexities.

With our current economy government should be working to support business to create jobs, not legislating potentially crippling processes.

FINTestimony

From: sharene.urakami@cingular.com
Sent: Monday, March 02, 2009 11:05 AM
To: FINTestimony
Subject: Take Action Now

Sharene Urakami
500 Kahelu Avenue
Mililani, HI 96789-3938

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: shariw@servco.com
Sent: Monday, March 02, 2009 9:57 AM
To: FINTestimony
Subject: Take Action Now

Shari Wagatsuma
2850 Pukoloa St., Suite 300
Honolulu, HI 96819-4475

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 8:57 AM
To: FINTestimony
Cc: skip@insuremaui.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Skip Barraco
Organization: Individual
Address: Hookele street Kahului, HI
Phone: 808-873-6717
E-mail: skip@insuremaui.com
Submitted on: 3/3/2009

Comments:

Please recognize the struggles small businesses already have in Hawaii and consider that when voting on this bill. I implore you to oppose this bill for the good of the people of Hawaii. To pass this bill would be (once again) shooting ourselves in the foot during these difficult times.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:57 PM
To: FINTestimony
Cc: napali@aloha.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Stephanie Butler
Organization: Individual
Address: 4473 Malulani St Kilauea, Hawaii
Phone: 6456241
E-mail: napali@aloha.net
Submitted on: 3/2/2009

Comments:
Don't do it. It can lead to ruthless tactics...

Do not Pass it!

FINTestimony

From: hra@hawaiirestaurants.org
Sent: Tuesday, March 03, 2009 4:47 AM
To: FINTestimony
Subject: Take Action Now

Steve Cole
Kona Brewing Co.
95-1055 Malielie St.
Honolulu, HI 96789

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: tameronh@financefactors.com
sent: Monday, March 02, 2009 12:33 PM
To: FINTestimony
Subject: Take Action Now

Tameron Hodges
PO Box 3979
Honolulu, HI 96812-3979

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 9:08 AM
To: FINTestimony
Cc: teena@paradiseflowers.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Teena Rasmussen
Organization: Individual
Address: 331 Ihe Place Kula, HI 96790
Phone: 808-878-2591
E-mail: teena@paradiseflowers.com
Submitted on: 3/3/2009

Comments:

I urge you to oppose this very dangerous bill which takes the rights of workers away to be able to vote in private as to whether they want to be represented by a union. A fundamental right for the citizens of the US is the right to a secret ballot. To take this away, is to allow a union to engage in dangerous intimidation that could take place at the work place or a person's home. It takes away the civil rights of the individual worker. It is very bad for workers and businesses. It is an affront to our civil liberties. Please vote no on this measure.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 4:12 PM
To: FINTestimony
Cc: teri@jacksdivinglocker.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Teri Leicher
Organization: Jack's Diving Locker
Address: 75-5813 Alii Drive Kailua-Kona, Hawaii 96740
Phone: 808-329-7585
E-mail: teri@jacksdivinglocker.com
Submitted on: 3/2/2009

Comments:

To: Chair Oshiro, Vice Chair Lee and Members of the committee:

I respectfully request that you hold HB 952 for the following reasons.

1. Fundamentally it is wrong to remove an employee's (or anyone's) right to a secret ballot.
2. Speaking as an employer who is also an employee, I would not want anyone to unionize my business or place of work. We operate as a democracy although a business owner usually makes the final decision since it is usually their neck on the chopping block if the decision is wrong.
3. I have worked for a Hawaii Hotel union before and it was not a benefit to me as an employee. It did nothing but take money out of my paycheck.
4. As an employer, it would alienate me from my co-workers in making daily decisions.
5. Unions add unnecessary costs to doing business not only for the employee, but the employer, as well as the State overall.
6. There have been times in the past and certainly times now (mainly in foreign countries), where Unions have been important in protecting workers from abuse from their employers. Unfortunately the way this bill is written, it would become "open season" on all Hawaii businesses large and small.
7. Many of us will go out of business either due to higher costs or sheer frustration of not being able to communicate without intervention.
8. It is bad business. We are already struggling as is it to keep our heads above water.

Look around at what is currently happening to our schools, and hospitals. Our current methods are slowly paralyzing our ability to operate our institutions effectively. This bill will only make it worse.

Mahalo,
Teri Leicher
Managing partner and employee
of Jack's Diving Locker

FINTestimony

From: tim.forkner@dhx.com
Sent: Tuesday, March 03, 2009 4:43 AM
To: FINTestimony
Subject: HB 952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Thomas Jones [tomjones@reihawaii.com]
Sent: Saturday, February 28, 2009 12:06 PM
To: FINTestimony
Subject: RE: HB952 - Testimony in Opposition

February 27, 2009

House Finance Committee
House Conference Room 308
Hawaii State Capitol

Committee Chairman Marcus R. Oshiro, Vice Chair Marilyn B. Lee & Committee Members,

I am in opposition to HB952.

The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure may allow coercion or fear of retribution to enter into the process.

All employees deserve the right to make this important decision fully informed and in private by secret ballot. HB952 would deny many employees a voice in determining whether or not to be represented by collective bargaining.

Employers should also be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas, as is currently the case under federal law.

Each business is unique and binding arbitration could put the determination of the details of a union contract in the hands of persons not fully able understand the complexities of each business.

Hawaii's current statutes regarding labor and employment practices provide all employees with significant rights, benefits and protection in their work places.

Respectfully,

Thomas H. Jones
President & Co-Owner
REI Food Service, LLC
Gyotaku Japanese Restaurants

FINTestimony

From: trina.sakuma@prada.com
Sent: Monday, March 02, 2009 12:38 PM
To: FINTestimony
Subject: Hold HB952

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: michaelr@kapiolani.org
Sent: Monday, March 02, 2009 9:56 AM
To: FINTestimony
Subject: Take Action Now

Virginia Pressler, MD
Executive Vice President
Hawaii Pacific Health
55 Merchant Street, 26th Floor
Honolulu, HI 96813-4333

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: Vivian@kona-kohala.com
Sent: Monday, March 02, 2009 9:39 AM
To: FINTestimony
Subject: Take Action Now

Vivian Landrum
75-5737 Kuakini Highway, Suite 208
Kailua-Kona, HI 96740-1725

Testimony to the House Finance Committee March 3, 2009 1:00 p.m.
Room 308
Agenda #4

Re: HB 952

Chair Oshiro, Vice Chair Lee and Members of the Committee:

I respectfully request that you hold HB 952.

The entities that will be affected by this measure will increase the likelihood of them not surviving the additional costs, lost productivity, and bureaucratization of the workplace that come with procedures mandated by this measure.

Our state has been focused on sustainability. This measure will undermine our efforts. Simply, unionization will increase the cost of locally produced food and weaken Hawaii's valuable but shrinking agricultural industry.

Also, fundamentally, this measure removes every employee's right to a secret ballot in determining whether to have union representation.

We should be focusing on finding ways to revitalize Hawaii's economy, not hinder it.

For the above reasons, I strongly ask that you hold this bill. Thank you for the opportunity to submit written comments.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 8:07 AM
To: FINTestimony
Cc: orgillv@polynesia.com
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Von Orgill - President/CEO
Organization: Polynesian Cultural Center
Address: 55-370 Kamehameha Highway Laie, Hawaii 96762
Phone: 808-293-3351
E-mail: orgillv@polynesia.com
Submitted on: 3/3/2009

Comments:

In 1947, The National Labor Relations Act was amended to provide workers the right to a private ballot. This happened as a result of widespread intimidation of workers during organizing drives in 1930's and 1940's. There is no reason to change this.

The "card check" procedure proposed in this Bill changes a secret ballot to an open ballot. Organizers and employers will know how employees voted. It is ripe for intimidation, pressure or coercion from fellow employees, labor representatives or the even the employer. The anonymity of votes is fair, appropriate and democratic. This must be in place to protect privacy and ensure workers have the ability to vote their conscience without fear or repercussion or retaliation.

This Bill also contains vagueness regarding how & when signatures are collected. It also places deadlines on negotiating parties regardless of complexities.

With our current economy government should be working to support business to create jobs, not legislating potentially crippling processes.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 11:30 AM
To: FINTestimony
Cc: peglp@maui.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Warren Gibson
Organization:
Address:
Phone:
E-mail: peglp@maui.net
Submitted on: 3/2/2009

Comments:
Strongly oppose this bill which will hurt Hawaii's small and large businesses!

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 10:59 AM
To: FINTestimony
Cc: treed@maui.net
Subject: Testimony for HB952 on 3/3/2009 1:00:00 PM

Testimony for FIN 3/3/2009 1:00:00 PM HB952

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Tom Reed
Organization: Aloha Recycling
Address: Kula
Phone: 8088761439
E-mail: treed@maui.net
Submitted on: 3/3/2009

Comments:
As a small business owner I am opposed to this bill.