



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

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February 2, 2009

To: The Honorable Karl Rhoads, Chair
and Members on the House Committee on Labor and Public Employment

Date: Tuesday, February 3, 2009

Time: 8:30 a.m.

Place: Conference Room 309, 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

House 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".

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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. 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.

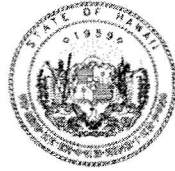
Alternatively, an employer should be allowed a choice in determining whether they want to have an equal voice with the labor union in advocating for or against organizing their establishment. In forcing the employer to enter into this agreement, that choice is taken away from them. Again, under state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

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



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

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

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
TUESDAY, FEBRUARY 3, 2009
8:30 A.M.
ROOM 309

HOUSE BILL NO. 952
RELATING TO LABOR

Chairperson Rhodes 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

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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 October 12-18, 2008 in Hawaii was \$13.24/hr. compared to \$10.95 in California and \$10.70 nationally (excluding Alaska). Among field and livestock workers on all farms in Hawaii, the average wage paid in the same period was \$11.21, \$10.21 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 LABOR AND PUBLIC EMPLOYMENT

DATE: Tuesday, February 3, 2009 **TIME:** 8:30 AM

LOCATION: State Capitol, Room 309

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

Chair Rhoads and Members of the Committee:

The Department of the Attorney General has concerns that section 1 of this bill on page 2, lines 8-20, 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 (HRS). 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, HRS, 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. Thus, the bill's thirty-day period creates a conflict, which should be addressed.

We respectfully ask the Committee to address these concerns.



KAUAI
Chamber
of
Commerce

February 2, 2009
To: Fax: 1-800-535-3859

Honorable Karl Rhoads, Chair, House Committee on Labor & Public Employment,
Testimony for Hearing on Tuesday, February 3, 2009, 8:30 a.m.

Rep. Kyle Yamashita, Vice Chair and members Henry J. C. Aquino, Karen Awana,
Faye P. Hanohano, Gilbert Keith-Agaran, Marilyn B. Lee, Mark M. Nakashima,
Scott K. Saiki, Joseph M. Souki, Roy M. Takumi and Kymberly Marcos Pine

RE: House Bill No. 952 Relating to Labor

Aloha and Mabuhay! My name is Randall Francisco and I am the President of the Kauai Chamber of Commerce which represents 460 Kauai business members and consists of approximately 87% small businesses that reflect the rural character of Kauai's business community. Of the chamber's membership, approximately 8000 individuals are employees that range from the construction and tourism sectors to agriculture, retail and defense industries to name a few.

On behalf of the Kauai Chamber of Commerce, I am writing to express the member's opposition of this bill which we also opposed in the 2008 Legislative Session. We are in agreement/alignment of The Chamber of Commerce of Hawaii's testimony that was recently submitted also in opposition of the bill that outlined a 3-page analysis of the reasons why its membership does not support this bill. The Kauai Chamber of Commerce agrees with their analysis of which I will not restate.

However, I will speak in terms of another reason – democratic rights and the benefits of our democracy as was recently hailed and expressed with the inauguration of Hawaii-born President Barak Obama. I grew up like the majority of islanders who have moved up in our socio-economic ladder as a result of the unions in our Hawaiian islands. As a result, I have personally benefitted from the immigrants and their descendants/co-workers who have made our modern Hawaii what it is today. It was exactly about their right to determine their own self-determination, exercising the power of a vote at a booth for a union to have the privilege to represent workers, for residents to become elected officials such as Governor, Lieutenant Governor, Mayor, Senator, Representative, Council member and even President of the United States that the power of a person's 'inalienable right to vote' which has made America and Hawaii the nation and state we are, today. Therefore, I ask you as elected officials who were and still are entrusted by the power of a vote to vote no on HB952. Like each of you, I very seriously take the privilege as an individual the power to vote without anyone or any organization conducting my vote. The act of voting is a powerful testament of democracy passed on from the founders of our U.S. Constitution that have been handed over to us as stewards from one generation to another that is being exercised today in countries such as Afghanistan and Iraq.

Should I be of any assistance, please do not hesitate to contact me directly at 245-7363 or email at randall@kuaichamber.org. Aloha.

Sincerely yours,

Randall Francisco
President and 3rd Generation Hawaii/Kauai-born resident

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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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House of Representatives
The Twenty-Fifth Legislature
Regular Session of 2009
Committee on Labor & Public Employment

Testimony by HGEA/AFSCME, Local 152, AFL-CIO
February 3, 2009

H.B. 952 – RELATING
TO LABOR

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO 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 for union representation. Currently, an employer does not have to recognize the majority's signatures and can insist on a secret ballot election. The measure will help level the playing field, giving the choice to employees.

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

EDWIN D. HILL
International President

LINDELL K. LEE
international
Secretary-Treasurer

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS®



The House of Representatives
Twenty-Fifth Legislature
Regular Session of 2009

Committee on Labor & Public Employment

Rep. Karl Rhodes, Chair
Rep. Kyle T. Yamashita, Vice Chair

Hearing: Tuesday February 3, 2009
Time: 08:30 a.m.
Place: Conference Room 309

Testimony of the International Brotherhood of Electrical Workers
(IBEW)

Re: H.B 952, Relating To Labor

The current process under the NLRB for ensuring and protecting workers rights and freedom to form and join a union is badly broken and altogether useless for ensuring fairness and democracy.

I know that it's easy for me to identify with worker's difficult plight in unionizing because I see it and live it everyday. All of us in the labor movement regularly witness the horror and tragedy that these workers and their families face in attempting to unionize. This is why we are so passionate on this issue. If you haven't personally experienced what these workers must go through, it might be hard for you to comprehend why H.B 952 is truly necessary.

So, allow me to attempt to frame it for you in such a way that will help you better understand and identify with the almost impossible obstacles workers face in forming a union.

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All of you are elected and thus familiar with the process of elections and campaigning. But, I want to now share with you what the experience would be like if the current NLRB process was applied to your election.

- First off, you would always be considered the challenger and your opponent would always be the incumbent.
- Your opponent would not have to face election until you collected signed cards from 30% of the total people living in your district saying that they want an election. However, this is made even more difficult because you wouldn't be allowed in the district to get the cards signed.
- If you were some how able to get the necessary cards signed and force an election, you would have to do all your campaigning from outside your district, because neither you nor your aides would be allowed in the district.
- Your opponent would have unlimited TV time, including several hours a day of compulsory viewing time while you would be restricted to secret door to door canvassing.
- Your opponent could encourage everyone to wear his shirts and buttons and retaliate against those wearing your shirts and buttons.
- Your supporters would have to risk losing their jobs. Your opponent could fire one of your supporters in every precinct to send voters a message.
- Your opponent could prohibit your supporters from going to rallies to state their views.
- Should your opponent or his aides get caught threatening your supporters, they would only have to sign and post a letter, after the election, saying they won't do it again.
- Only your opponent would have access to the voters list.
- Your opponent could easily delay the election if he thinks that he'll do better later.
- The election would be held in your opponent's headquarters and voters would have to file by your opponents supporters as they vote.
- And, after all that, if you were miraculously still able to win, you wouldn't be able to take office because it would take years of litigation to enforce the election results.

Just imagine what it would be like and how difficult, if not impossible, for you to succeed.

No one would consider such an election process as this fair, just or democratic. Yet, this is exactly the process that workers must endure in order to gain union representation and recognition.

You can and should help change this ludicrous process by supporting H.B 952.

Send a strong and clear message to those in this state, across the country and around the world that we as a state, value our people and will insist that they be treated with all fairness, dignity and respect in an environment clear from intimidation and harassment and will ensure that their right and freedom to join a union is truly protected.....This is the real democratic thing to do.

Thank you for the opportunity to provide testimony.

Harold J. Dias, Jr
International Representative
IBEW

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Testimony In Strong Support of
HB952
Relating To Labor

To the Committee on Labor and Public Employment
Tuesday, February 3, 2009, 8:30 a.m.
State Capitol, Room 309

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

Honorable Karl Rhoads, Chair; Honorable Kyle T. Yamashita, 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. The message is absolutely clear; the time for action is now, not extended debate.

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.

HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996

Affiliated with the International Brotherhood of Teamsters

1817 Hart Street
Honolulu, Hawaii 96819-3205

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

Rep. Karl Rhoads, Chair
Rep. Kyle Yamashita, Vice-Chair
Committee on Labor and Public Employment

Glenn Ida
Representative
Tuesday, Feb.3, 2009, 8:30 AM
Conference Room 309

Support of HB 952, Relating to Labor

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

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

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

Thank you for allowing me to testify this morning.

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

Testimony by
Mari Otis
February 3, 2009

H.B. 952 – RELATING TO LABOR

Local 1260 of the IBEW 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.

In all, it is time to give the working class a break. The economy is nearing depression levels, unemployment is rising each and every month and more and more of our working class are struggling to stay in their homes. Meanwhile, CEO's, executives, and others continue to receive multi-million dollar bonuses and large six to seven digit salaries, while the working class continues to receive pay cuts. That is not the way to fix our ailing 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.

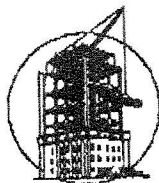
Thank you for the opportunity to testify in support of H.B. 952

Respectfully submitted,

Mari Otis

Mari Otis
33 Helani Place
Hilo HI 96720-1809

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HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

GENTRY PACIFIC DESIGN CENTER, STE. 215A • 560 N. NIMITZ HIGHWAY, #50 • HONOLULU, HAWAII 96817
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NOLAN MORIWAKI

President

Bricklayers & Ceramic Tile Setters
Local 1 & Plasterers/Cement
Masons Local 630

January 31, 2009

JOSEPH O'DONNELL

Vice President

Iron Workers Local 625

Honorable Representative Karl Rhoads, Chair
Honorable Representative Kyle T. Yamashita, Vice Chair
Members of the House Committee on Labor & Public Employment
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

DAMIEN T. K. KIM

Financial Secretary

International Brotherhood of
Electrical Workers Local 1185

ARTHUR TOLENTINO

Treasurer

Sheet Metal Workers I.A. Local 293

RE: IN SUPPORT OF HB 952
RELATING TO LABOR
Hearing: Tuesday, February 3, 2009, 8:30 p.m.

MALCOLM K. AHLO

Sergeant-At-Arms

Carpet, Linoleum, & Soft Tile
Local 1286

Dear Chair Rhoads, Vice Chair Yamashita and the House Committee on
Labor & Public Employment:

REGINALD CASTANARES

Trustee

Plumbers & Fitters Local 676

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.

THADDEUS YOMEI

Elevator Constructors Local 126

JOSEPH BAZEMORE

Drywall, Tapers, & Finishers

Local 1944

The Council **SUPPORTS** the passage of HB952 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.

LAUGHN CHONG

Roofers, Waterproofers & Allied

Workers United Union of Roofers
Local 221

Our working families in Hawaii want and deserve to have a level
playing field. The health of the economy is improved by making
possible for workers to form unions and bargain for a better life.
Thank you for the opportunity to submit this testimony in support
of HB952.

MARY AYCOCK

Welders, Ironship Builders

Local 627

Sincerely,

YNN KINNEY

District Council 50

Painters & Allied Trades
Local 1791

William "Buzz" Hong
Executive Director

ALANI MAHOE

Operating Engineers Local 3

EDWARD SEBRESOS

National Assoc. of

Asst. & Frost Insulators

Allied Workers Local 132

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Randy Perreira
President

HAWAII STATE AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

Testimony by
Hawaii State AFL-CIO
February 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.

In all, it is time to give the working class a break. The economy is nearing depression levels, unemployment is rising each and every month and more and more of our working class are struggling to stay in their homes. Meanwhile, CEO's, executives, and others continue to receive multi-million dollar bonuses and large six to seven digit salaries, while the working class continues to receive pay cuts. That is not the way to fix our ailing 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

yamashita1- Kathy

From: neildietz@msn.com
Sent: Monday, February 02, 2009 3:37 PM
To: LABtestimony
Subject: HB 952- testimony is support

February 2, 2009

TO: Committee on Labor and Public Employment
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)



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

Committee on Labor and Public Employment
Representative Karl Rhoads, Chair
Representative Kyle T. Yamashita, Vice Chair

Tuesday, February 3, 2009, 8:30 a.m.
Conference Room 309, State Capitol

Re: H.B. 952 – RELATING TO LABOR

The Screen Actors Guild Hawaii Branch 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 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 not fair and a 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. This will help thwart the numerous delays that employers use.

It is time to give the working class a break. The economy is nearing depression levels, unemployment numbers are up and each month more and more of our working class struggle to stay in their homes. Meanwhile, CEO's, executives, and others continue to receive multi-million dollar bonuses while the working class is 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 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.

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 • Affiliate of International Federation of Actors

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The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES
Committee on Labor & Public Employment
Rep. Karl Rhoads, Chair
Re. Kyle T. Yamashita, Vice Chair

State Capitol, Conference Room 309
Tuesday, February 3, 2009; 8:30 a.m.

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

The ILWU Local 142 is in strong support of 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 stated that he will sign the Employee Free Choice Act.

Currently, card check is an accepted procedure to determine that the majority of workers at a company want to organize into a union. Under the current law, it is the employer who decides if card check will be allowed. 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 that 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 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 take a courageous step.

H.B. 952 will not apply to all workers in Hawaii. It will apply only to those workers who are not under the jurisdiction of the National Labor Relations Act. Furthermore, only companies with two or more employees may be organized, and employees who are spouses or children of the employer are not allowed to be organized. Agricultural workers may not be organized into a union under the National Labor Relations Act, but they may under the Hawaii Employment Relations Act.

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The Hawaii State Constitution affirms the worker's right to form a union or not. Under H.B. 952, it would be the worker's right to choose the "card check" recognition procedure.

Frankly, in our opinion, employers like dominating the playing field. The balance has been long tipped in their favor and they want to keep it that way. A strong labor movement has built the American middle class. H.B. 952 will begin to rebalance the process and rebuild working families.

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 share our views and concerns.

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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 in the hope of 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.

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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. 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. If H.B. 952 is enacted, the workers, not the employer, will have the power to decide if card check will be used.
- **Ensures achievement of 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.

000035

yamashita1- Kathy

From: bill@ejlounge.com
Sent: Monday, February 02, 2009 11:37 AM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check Legislation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Legislator,

Regarding: House Bill 952 Union Card Check Legislation
Position: Strongly opposed
2/2/08

I am writing to you in opposition to HB 952. I write to you on behalf of the Hawaii Bar Owners Association a group representing 105 Bars in Hawaii. We as a group would oppose this bill.

Regrettably we understand what it is like to be unrepresented and know that a vote is an important part of our democratic system. The nature of this bill denies the employee the right to a secret ballot and the loss of individual rights. We are sympathetic to this problem. Likewise we feel that the union rights should not overstep individual rights. Majority rule can be good or bad but it is the way of democracy. Please support Democratic principle over union pressure. Lastly as employers we try to do our best for our staffs. We generally find ourselves in an anti-union position since amiable relationships help our industry and oppositional positions do not foster the hospitality vital in our industry. We prefer to remain in an amicable position with our employees and strive to do the best for them. It is difficult enough to operate a small business here, we should not be making it more difficult. We strongly urge you to vote in opposition to HB952.

Thank you for your consideration,

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1

Bill

Bill Comerford

Bill Comerford,
Spokesman
Hawaii Bar Owners Association
10 Marin Lane
Honolulu, HI 96813
808-223-3997
bill@ejlounge.com
hiboa.com Bill Comerford, President,
E & J Lounge Operating Co., Inc.
10 Marin Lane
Honolulu, HI 96817
Phone 808-521-4712
Fax 808-521-4713
Cell 808-223-3997
bill@ejlounge.com
irishpubhawaii.com

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2



**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**

February 3, 2009

RE: HB 952 Relating to Labor

Good morning Chairman Rhoads and members of the House Committee on Labor & Public Employment. I am Murray Towill, President of the Hawaii Hotel & Lodging Association.

The Hawaii 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 Hawaii Hotel & Lodging Association does not support 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.

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Representative Karl Rhoads, Chair
Representative Kyle Yamashita, Vice Chair
Committee on Labor & Public Employment
State Capitol, Honolulu, Hawaii 96813

HEARING Tuesday, February 03, 2009
 8:30 am
 Conference Room 309

RE: HB952, Relating to Labor

Chair Rhoads, Vice Chair Yamashita, 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.

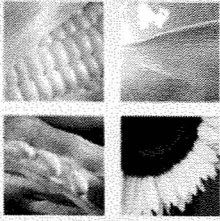
Our small businesses work diligently with their employees to address day-to-day concerns and to build camaraderie and career satisfaction. Passage of HB952 would place a union representative between employers and employees thus destroying the framework by which these businesses have operated successfully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

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

President

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

000009



Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony By: Alicia Maluafti
HB 952, Relating to Labor
House Labor Committee
Tuesday, Feb.3, 2009
Room 309, 8:30 am

**HCIA 2008-2009
Board of Directors**

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Kirby Kester
Paul Koehler
Leslie Poland
Martha Smith
Mark Stoutemyer
Jill Suga

Past President
Sarah Slyan

Executive Director
Alicia Maluafti

Position: Strong Opposition

Chair Rhoads and Members of the House LAB Committee:

My name is Alicia Maluafti, 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.

91-1012 Kahi'uka Street
Ewa Beach, HI 96706
Tel: (808) 224-3648
director@hciaonline.com
www.hciaonline.com

000040



Before the House Committee on Labor & Public Employment

DATE: February 3, 2009
TIME: 8:30 a.m.
PLACE: Conference Room 309
State Capitol
415 South Beretania Street

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

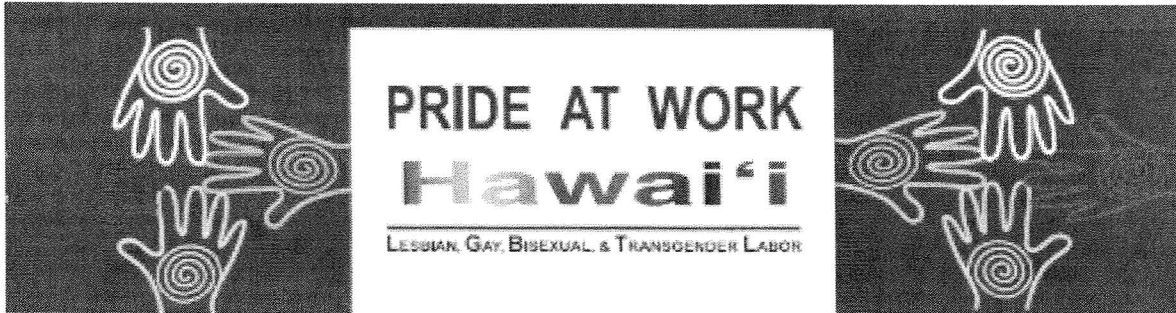
Thank you for the opportunity to testify. On behalf of the thousands of business owners who make up the membership of the National Federation of Independent Businesses in Hawaii, we ask that you reject HB 952. NFIB opposes this measure in its current form.

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.

841 Bishop Street, Suite 2100, Honolulu, Hawaii 96813 (808) 447-1840

000041



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

February 3, 2009

Hawaii State House of Representatives
Committee on Labor and Public Employment
Chair, Karl Rhoads
Vice Chair, Kyle Yamashita

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 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.” 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

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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

000043



Hawaii Farm Bureau

2343 Rose Street, Honolulu, HI 96819
PH: (808) 848-2074; Fax: (808) 848-1921
e-mail hfb@hfb.org

Testimony

House Committee on Labor and Public Employment

Re: HB 952 RELATING TO LABOR.

Chair Rhoads 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 Union has 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 ..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.

000044

yamashita1- Kathy

From: Chad Buck [chadbuck@hfahawaii.com]
Sent: Monday, February 02, 2009 2:38 PM
To: LABtestimony
Subject: RE: Opposition to HB952 Union Card Check

To: House Labor Committee
House Conference Room 309
Hawaii State Capitol

Re: Opposition to HB952 Union Card Check Legislation

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952.

Before I became a business owner, I used to be a union member. I witnessed first hand how intimidation played a role in getting employees to vote as told by the union organizers. The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure will allow coercion or fear of retribution to enter into the process. Employees deserve the chance to make this important decision fully informed and in private by secret ballot, the same way that they vote for any elected official. Taking the right to vote in secrecy away from citizens is absolutely un-American.

Taking away the secret ballot for the worker will open the door for all kinds of intimidation (from all sides). A worker should be able to vote his or her conscience in privacy without fear of retribution from anyone.

With the state of our economy, I would hope that government would be interested in creating jobs and growing the economy rather than saddling businesses and workers with this unfair and un-American ruling.

Respectfully,

Chad Buck

Hawaii Foodservice Alliance LLC

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000045

Testimony to the House Committee on Labor & Public Employment
Tuesday, February 3, 2009
8:30 a.m.
Conference Room 309

RE: HOUSE BILL NO. 952 RELATING TO LABOR

Chair Rhoads, Vice Chair Yamashita, 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 bad, 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.

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.



Chair, Representative Karl Rhoads
Vice-chair, Representative Kyle T. Yamashita
Committee: Labor & Public Employment Committee
Society for Human Resource Management (SHRM) Hawaii
Testimony date: Tuesday, February 3, 2009

Opposition to HB952

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.

000049

VIA FACSIMILE CARE OF HOUSE SGT-AT-ARMS 586-6401

HOUSE COMMITTEE ON LABOR:

**Representative Karl Rhoads, Chair; Kyle T. Yamashita, Vice Chair of the
Committee on Labor and Public Employment.**

TESTIMONY IN OPPOSITION OF HB 952; RELATING TO LABOR

Hearing Date: Tuesday, February 3, 2009
Time: 8:30 AM
Place: Conference Room 309
State Capitol
415 South Beretania Street
Copies: 15

Chair Rhoads and Vice Chair Yamashita and members of the House Committee on Labor and Public Employment.

I am James Kuroiwa, Hawaii Director for the Alliance of Worker Freedom at P.O. Box 30783 Honolulu, HI 96820, and we work in close association with the Grassroot Institute of Hawaii and the Alliance for Worker Freedom in Washington, DC.

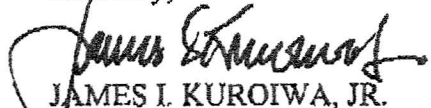
We are testifying in strong opposition to House Bill 952 and its basic intent to take away the rights of all citizens of the State of Hawaii to cast a secret vote for their choice to be represented by a Union or not.

Organizing a business or company is extremely difficult but very satisfying work if you succeed, because either top-down or bottom-up organizing both are difficult work. The construction industry is where the Federal Government allows top-down organizing. Public sector employees also have a different method of organizing through changes in the Hawaii Revised Statutes. The public sector employee has a choice in becoming a member of a public sector union authorized by law.

Other sectors of Hawaii's economy would organize bottom-up, where the Union agents, following the rules established by the U.S. Department of Labor, work to convince workers the advantage of joining their union. The employers would be challenged in providing employees better compensation and benefits to remain equal or better than what the unions offer through collective bargaining.

This bill attempts to circumvent the current and very workable process. Most important is that in a slowing economy, this bill would act as an obstacle discouraging employers to hire more employees.

Sincerely,



JAMES I. KUROIWA, JR.

Hawaii Director

The Alliance for Worker Freedom

000050

yamashita1- Kathy

From: PERLAK, FREDERICK J [AG/2111] [frederick.j.perlak@monsanto.com]
Sent: Monday, February 02, 2009 8:23 AM
To: LABtestimony
Cc: TAKEMOTO, ALAN [AG/2111]; KOEHLER, PAUL H [AG/2563]; Alicia Maluafiti
Subject: Testimony to the House Committee on Labor and Public Employment-Rep. Karl Rhodes, Chair-HB952

Submitted by : Frederick J. Perlak, Ph.D., Monsanto Company, Vice President, Research and Business Operation in Hawaii.

February 3, 2009

HEARING BEFORE THE
HOUSE COMMITTEE ON LABOR
AND PUBLIC EMPLOYMENT
TESTIMONY ON
HB 952

Chair Rhoads and committee members:

My name is Fred Perlak, Vice President of Research and Business Operations of Monsanto Hawaii. I oversee the overall operations of Monsanto in Hawaii. We have farms sites on Maui, Molokai, Oahu, and Kauai.

We are opposed to HB 952.

We respect and honor the existing process of unionization whereby the employee is allowed to vote in private ballot similar to what is provided to every U.S. citizen. State and Federal laws have a long tradition of recognizing the rights of workers to organize, form, join or assist labor organizations and to bargain collectively through representatives of their own choosing. Currently, when unions seek a private ballot election from the National Labor Relations Board, they win more than 55 per cent of the time. Union membership is at a 25 year high in the United States with over 16 million workers according to the Bureau of Labor Statistics. Hawaii's membership rate is very high at 24.3%, a rate which is second only to New York. The current system has successfully protected the rights of workers and unions to organize.

000051

This bill eliminates an employee's free choice in determining union representation and ignores the democratic principles upon which our nation was founded.

Without the protection and confidentiality provided by a secret ballot, workers could be subject to misinformation, fear and intimidation by the process described in HB 952. This bill strips workers' privacy and potentially exposes them to a process whereby workers could be harassed, intimidated and pressured.

We are very concerned how this bill will impact our company's day to day operations and how it will impact the workers' right to a secret ballot.

Monsanto respects our employees and appreciates the value they bring to the company. Monsanto provides a highly competitive wage and benefits package and provides the opportunity for employee advancement. We have an excellent work safety record here in Hawaii and at all of our locations around the world.

Monsanto strives to make our workplace a place where employees and their contributions are valued. We are honored that Monsanto will once again be receiving a recognition award "Best Places to Work in Hawaii" by the Hawaii Business Magazine.

We are taking a proactive approach by working with the high schools, University of Hawaii at Manoa, and community colleges to encourage internships and agricultural associate degree programs to expand and develop agricultural workforce development. We support the State's effort to implement workforce development programs that will help retain our best and brightest students to return or remain in Hawaii.

We understand that the success of our company depends on our employees and support their right to choose unionization in a private, secret ballot. A choice this important should be theirs without the added public pressures that would result from this legislation.

We respectfully oppose HB 952 and urge that you hold this measure in committee.

Thank you.

Fred Perlak

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yamashita1- Kathy

From: BEYERSDORF, MIKE [AG/2563] [mike.beyersdorf@monsanto.com]
Sent: Thursday, January 29, 2009 1:14 PM
To: LABtestimony
Subject: HB 952: "Collective Bargaining Petition" (formerly known as Card Check)

To whom it may concern:

As a worker, I have no need nor do I want representation from a union. I can represent myself well enough, particularly in this day and age of enlightened employers who understand the value of good employees. Also, I expect to earn my wages, and I expect to get what I earn. I don't want my employer to see me as one of a disposable, replaceable crowd, and I don't want some of my hard-earned wages to go to the slacker next to me who keeps his job only by belonging to the union. HB952 will make it possible for a union to come between me and my employer without a private ballot election where each employee can vote his or her conscience. The private ballot is a hallmark of this country and of our way of life, and should never be replaced by the arm-twisting and coercion a card check system would allow.

You should not be judged as anti-labor by voting against this bill; rather you will be supporting every good employee that earns his paycheck. In a union shop, the lazy and foolish ride on the shoulders of the rest of us. Don't make it easier for them just because they are also lazy and foolish enough to vote as the union tells them to. Stand up for me and every good, decent, hard-working person in Hawaii by voting against HB952. Mahalo.

Mike Beyersdorf

529 Ekahi Way

Kihei, HI 96753

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000053

yamashita2 - Kristen

From: CLEGG, DAN [AG/2563] [dan.clegg@monsanto.com]
Sent: Friday, January 30, 2009 10:43 AM
To: LABtestimony
Subject: HB 952 testimony

Aloha Committee Chair

I am writing in reference to HB952.

Having personal experience with addressing the issues of unionization and looking for the best ways to help our ag industry. I urge you to protect our right to vote. The card Check bill essentially takes that right away.

Below are two key points that I am sure you will see many times.

- This bill would give union organizers free rein to pressure workers into joining unions, potentially subjecting them to intimidation and abuse from union bosses.
- Card Check would effectively eliminate private elections.

Please protect ag workers right to vote.

Thanks.

Dan Clegg

808-283-4028 cell

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yamashita2 - Kristen

From: AHINA, DUANE [AG/2004] [duane.ahina@monsanto.com]
Sent: Friday, January 30, 2009 1:28 PM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition
Importance: High

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Duane A. Ahina

89-117A Nanakuli Ave.

Waianae, HI 96792

Phone (cell) 808 351-4460





Oppose HB 952: "Collective Bargaining Petition" (formerly know as Card Check)

*Stand up for the rights of workers.
Protect your right to a secret ballot.*



HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair

Rep. Kyle T. Yamashita, Vice Chair

DATE: Tuesday, February 03, 2009
TIME: 8:30 A.M.
PLACE: Conference Room 309

HOW THE BILL IMPACTS YOU - THE WORKER

- Unions have lost their prevalence in the workforce over the past five decades, making up 30% of the private workplace in the 1950s and less than 8% today. This bill would reverse this trend and open up wide swaths of the economy to union organizing, especially small business.
- 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.
- Card Check would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.
 - 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.
- 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.

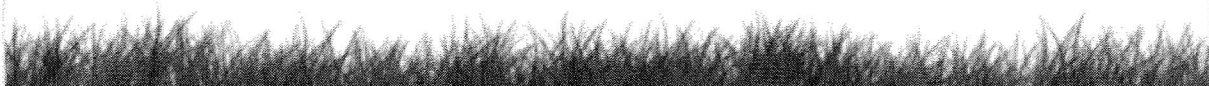
4 WAYS TO SUBMIT TESTIMONY

Please consider **testifying in person** - even if it's just to say "Please don't take away my right to vote!" Testimony can be submitted in the following ways:

PAPER: 3 copies (including an original) to Room 422 in the State Capitol.
FAX: For comments less than 5 pages in length, transmit to 586-6331 (Oahu) or 1-800-535-3859 (NIs).
EMAIL: For comments less than 5 pages in length, transmit to LABtestimony@Capitol.hawaii.gov.

Address your testimony to the Committee Chair. Clearly state your opposition of HB 952. Choose one or two talking points and include a personal perspective. Be sure to include your name. Testimony is due by **Monday, Feb. 2.**

Mahalo for your continued support of the agricultural industry in Hawaii. If you have any questions or concerns, please email director@hciaonline.com. Aloha!



yamashita1- Kathy

From: TANAKA, ROY T [AG/2563] [roy.t.tanaka@monsanto.com]
Sent: Monday, February 02, 2009 8:47 AM
To: LABtestimony
Subject: Opposition to HB952

Importance: High

Honorable Representative Rhoads,

Please consider my opposition to HB952. Our company continues to be successful because of our abilities to interact and work directly with all of our employees. Please do not take away anyone's right to vote.

Sincerely,

Roy Tanaka

Kula, Hawaii

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yamashita1- Kathy

From: SUR, TERESA [AG/2563] [teresa.sur@monsanto.com]
Sent: Monday, February 02, 2009 8:29 AM
To: LABtestimony
Subject: Opposition to HB952 "Collective Bargaining Petition"

Honorable Representative Rhoads,

I want to express my opposition to HB952.

This bill would essentially take away the workers right to choose their representation for labor related issues. I work in the seed industry which has grown substantially here in Hawaii, even in these tough economic times. This bill could also dramatically impact the way this industry operates today.

From a personal perspective the company I work for was ranked one of the best in Hawaii last year for our industry. I want to be able to continue to work directly with our employees to continue to make our company even better!

I ask that you support my viewpoint with your opposition to this bill.

Sincerely,

Teresa Sur

Kihei, Hawaii

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yamashita1- Kathy

From: DILL JR, GERALD M [AG/2111] [gerald.m.dill.jr@monsanto.com]
Sent: Monday, February 02, 2009 8:29 AM
To: LABtestimony
Subject: Opposition to HB952 "Collective Bargaining Petition"

Honorable Representative Rhoads,

I want to express my opposition to bill HB952.

This bill would essentially take away the workers right to choose their representation for labor related issues. Under the current law, employees have the right to vote on their labor representation and the contracts they work under. This bill would deny those rights

We are currently listed as one of the top employers in the State and have been nominated as a finalist again this year. We are the largest seed company in the world, and the best. We have traditionally led our industry in compensation and benefits and are the gold standard by which other companies are measured. A very large part is our development and rewards programs which are based on our direct relationship with our employees. We strongly believe that given the right to choose our employees will continue to deal with our management directly.

Please support my viewpoint with your opposition to this bill.

Sincerely
Gerry Dill
Kapolei, HI

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yamashita1- Kathy

From: BICOY, DAWN M [AG/2004] [dawn.m.bicoy@monsanto.com]
Sent: Monday, February 02, 2009 9:09 AM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Dawn Marie Bicoy

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yamashita1- Kathy

From: GEORGE, JODY R [AG/2563] [jody.r.george@monsanto.com]
Sent: Monday, February 02, 2009 9:16 AM
To: LABtestimony
Subject: Opposition to HB952

Representative Rhoads,

I would like to express my opposition to HB952

I feel that private ballots are one of the most important rights the citizens of the US have. It is no ones business how one votes. This is especially important when the vote is going to so directly impact the livelihood and lives of those voting. They should have the right not to be pressured, and the right to choose what is best for them and their families

Neither companies nor unions have the right to decide what is best for the individual.

I ask that you join me in the opposition of HB952.

Jody George

Research Associate I

MSP-TDP

(808)357-5439

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From: SMITH, SAM L [AG/2004] [sam.l.smith@monsanto.com]
Sent: Monday, February 02, 2009 9:23 AM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition

Subject: Oppose HB952 Collective Bargaining Petition

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one. I have been involved in many collective bargaining situations and it can be threatening and dangerous when a private ballot is not allowed. This can be dangerous to workers' everyday lives and can create danger to their families and loved ones if they are targeted for not voting one way or the other.

Respectfully submitted,

Sam Smith

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yamashita1- Kathy

From: LASUA, JOAN F [AG/2004] [joan.f.lasua@monsanto.com]
Sent: Monday, February 02, 2009 9:26 AM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition

Attn: Committee Chairman

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Sincerely,

Joan F. Lasua

Joan F. Lasua

P. O. Box 40

1351 Maunaloa Highway

Kaunakakai, HI 96748-0040

Phone: 808-553-5070

Fax: 808-553-5436

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yamashita1- Kathy

From: ROSE, NANCY [AG/2563] [nancy.rose@monsanto.com]
Sent: Monday, February 02, 2009 9:30 AM
To: LABtestimony
Subject: HB 952

Aloha, Honorable Rep. Rhoades and Yamashita,

I am writing to express my opinion about HB 952. I oppose this measure as I feel that taking away the right of workers to vote whether or not to have a labor union put undue pressure on them to go along with the influence of the labor union organizers.

I work for a seed company here in Hawaii, and am also a resident of Mr. Yamashita's district in Pukalani. We have many workers employed here on Maui, and I feel that my employer treats us all very well. Please keep the rights of employees to hold an secret election.

Thank you,
Nancy Rose

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yamashita1- Kathy

From: OSWALD, NATHANIEL L [AG/2004] [nathaniel.l.oswald@monsanto.com]
Sent: Monday, February 02, 2009 9:33 AM
To: LABtestimony
Cc: BICOY, DAWN M [AG/2004]
Subject: Oppose HB952 Collective Bargaining Petition

Follow Up Flag: Follow up
Flag Status: Completed

Subject: Oppose HB952 Collective Bargaining Petition

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Nathaniel Oswald
Monsanto Molokai
Molokai Station
PO Box 40
1351 Maunaloa Highway
Kaunakakai, HI 96748
808-553-5070 ext.34 office
808-336-0683 mobile
808-553-5436 fax
nloswa@monsanto.com

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yamashita1- Kathy

From: MATAYOSHI, JASON [AG/2004] [jason.matayoshi@monsanto.com]
Sent: Monday, February 02, 2009 7:55 AM
To: LABtestimony
Subject: RE: HB952

Aloha,

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Mahalo,

Jason Y Matayoshi

Monsanto Molokai

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000006

yamashita1- Kathy

From: ELLIS, JAY B [AG/2563] [jay.b.ellis@monsanto.com]
Sent: Monday, February 02, 2009 12:16 PM
To: LABtestimony

Aloha Honorable Representative Rhoads,

I work in the biotech seed industry which provides a substantial amount of jobs in Hawaii. I am opposed to HB952.

This bill would dramatically impact the way this industry operates today. The company I work for was ranked one of the best employers in Hawaii last year for our industry. I want to be able to continue to work directly with our employees to continue to make our company even better! Our industry has been continuously growing in Hawaii. I expect that would change if HB952 passes.

My company's Research Team Members which were the collective bargaining unit of approximately 124 employees on Maui recently voted by a landslide not to unionize. Approximately 97-103 employees voted against unionization. It was exposed in a Labor Relations hearing in Oahu that the Union had acted inappropriately in their organization efforts.

Pleas say no to HB952.

Mahalo,

Jay Ellis

Kihei, Hawaii

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000087

yamashita1- Kathy

From: YANTES, TRENT A [AG/2563] [trent.a.yantes@monsanto.com]
Sent: Monday, February 02, 2009 7:05 AM
To: LABtestimony
Subject: Opposition to HB952 "Collective Bargaining Petition"
Importance: High

Honorable Representative Rhoads,

I want to express my opposition to HB952.

This bill would essentially take away the workers right to choose their representation for labor related issues. I work in the seed industry which has grown substantially here in Hawaii, even in these tough economic times. This bill could also dramatically impact the way this industry operates today.

From a personal perspective the company I work for was ranked one of the best in Hawaii last year for our industry. I want to be able to continue to work directly with our employees to continue to make our company even better!

I ask that you support my viewpoint with your opposition to this bill.

Sincerely
Trent A. Yantes
Kihei, Hawaii

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yamashita1- Kathy

From: RYAN, REBECCA S [AG/2563] [rebecca.s.ryan@monsanto.com]
Sent: Monday, February 02, 2009 7:21 AM
To: LABtestimony
Subject: HB952

Honorable Representative Rhoads,

I want to express my opposition to HB952.

As an employee, I want to retain my right to vote. I believe strongly in the right to a private election.

I have worked for Monsanto for 12 years in many different roles. I have always felt that it is best to work cooperatively across our research teams to accomplish our goals. I support the right to retain this direct working relationship.

I ask that you support my viewpoint with your opposition to this bill.

Sincerely
Rebecca A. Ryan
Kihei, Hawaii

Rebecca Ryan
TDP Kihei Team Lead
Monsanto Co.
2111 Piilani Hwy.
PO Box 629
Kihei, HI 96753
(808) 875-9261 ext. 201
Cell (808) 870-3049
Fax (808) 875-9265

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yamashita1- Kathy

From: Monica Toguchi [highwayinnhr@hawaiiantel.net]
Sent: Monday, February 02, 2009 10:58 AM
To: Rep. Karl Rhoads; Rep. Kyle Yamashita; Rep. Henry J.C. Aquino; Rep. Karen Awana; Rep. Faye Hanohano; Rep. Marilyn Lee; Rep. Mark Nakashima; Rep. Scott Saiki; Rep. Joseph Souki; Rep. Roy Takumi; Rep. Kimberly Pine
Cc: LABtestimony
Subject: Complete testimony for HB 952 (previous email testimony was incomplete)

Testimony to the House Labor & Public Employment Committee
February 3, 2009
8:30 a.m.

Re: HB 952

Chair Rhoads and Members of the Committee:

My name is Monica Toguchi and my company is Highway Inn Inc. We are non-union and have been in business for 62 years in Waipahu and specialize in Hawaiian Foods along with a catering and seafood market outfit. As a business member, I respectfully request that you hold HB 952.

Simply stated, this bill hurts businesses both big and small and places incredible power into the hands of union organizers and officials to suppress the real voices of its members. It also places decision making authority with arbitrators who cannot be expected to understand the complexities of a particular business operation and its needs to survive and remain profitable. This exposes businesses - especially small businesses - to increased risk of failure and job losses.

For most of us in Hawaii, we work hard everyday alongside our employees to be able to provide them with livable wages and benefits. Most of us are not greedy Wall Street executives who earned over \$18 billion in bonuses and perks last year while our companies were not doing well.

On the contrary, my father drives a 1996 badly beaten Nissan Altima and like most business owners and operators in Hawaii, we sincerely care about employees like extended family. At Highway Inn, we have one employee who has been with us for over 40 years and many who have been with us on average, for more than 15 years. Twice a year, we give out bonuses to our employees and two years ago, we took our employees to Las Vegas - some of whom went for the very first time.

I hope you will agree that all workers should not have to feel intimidated by union organizers and have their rights violated by eliminating the secret ballot process that allows them to freely voice their opinions without undue pressure. The current process protects this right. Secret ballots ensure that workers' decisions to join or not to join a union remain private so that no one can threaten workers for making the "wrong" choice. With card checks however, both the company and the union know how workers voted, and this exposes workers to the possibility of retaliation.

Business owners maintain the financial strength of their companies to remain profitable for all its shareholders - owners, employees, customers, suppliers, vendors, etc. Alternatively, union organizers have one important task: recruit new dues-paying members to their union. They are not paid to inform workers of the downsides of unionizing. Instead, they make the strongest case they can for joining a union and ask workers to sign their card

right then. If a worker signed a card, it may have had nothing to do with whether a worker was satisfied with the job or felt they were treated fairly by his or her boss/company.

That being said, the union has a direct financial stake in the outcome of an organizing drive. If the workers organize, the union will collect 1 to 2 percent of their wages in dues. I ask that you clearly understand this bias.

Workers should have the chance to hear the arguments for and against unionization so that they can make an informed decision. With card checks, union organizers know who has and has not signed up to join the union. This allows them to repeatedly approach and pressure reluctant workers. Organizers are trained to quickly establish a trust relationship with the worker, move from talking about what their job is like to what they would like to change about their job, and then insist that management won't fix their workplace problems without a union in an effort to convince the worker to sign a card.

Secret-ballot elections protect workers from these abuses and ensure that their decisions to join or not to join a union reflect their free and considered choice. The government has structured organizing elections so that they create "democratic" conditions designed to reveal workers' real desires - free from unnecessary pressure from union organizers or their employers. Government should not take away workers' right to vote in privacy with a secret ballot when deciding to unionize.

Most workers will not choose to unionize if they feel that their employers have been treating them fairly and with dignity. Accordingly, this measure has the potential to significantly affect businesses in Hawaii who may not be able to survive the additional costs of mandated union contracts by arbitrators who know very little about their businesses. It will also increase lost productivity through bureaucratization of the workplace that come with procedures mandated by this measure. In the end, this bill does very little for employees and businesses – the economic engine that creates financial sustainability and jobs – but it unfairly increases the power of union organizers and the potential to abuse their power upon employees who may not fully understand the issues presented while enabling them to protect their own paychecks.

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

Sincerely,
Monica Toguchi
Highway Inn Inc.
VP of Administration & Planning
www.myhighwayinn.com



American Income Life Insurance Company

Daryl Barnett
Director, Public Relations

House of Representatives
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 and representatives internationally. 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, 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 sales force 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 Agriculture Research Center

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

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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

HOUSE BILL 952

Relating to Labor

February 3, 2009

Chair Rhoads and Members of the Committee:

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

HARC strongly opposes House Bill 952 which does away with one of the principles of the democratic process-to be able to vote as your conscience dictates in a secret ballot.

Joining any type of organization should be based on the ability of that organization to convince potential new members of the benefits belonging to the organization provides. This has and should continue to be open and transparent with any and all organizations making their case and an individual privately making his/.her choice.

As a free society for which many of its citizen's past and present have risked their lives for we should not be even considering dampening those processes which help to guard our society's freedom of choice.

Thank you for the opportunity to testify in strong opposition of weakening our country's sound principles in any way.

000074

yamashita1- Kathy

From: Brian Arkle [barkle@alsco.com]
Sent: Monday, February 02, 2009 11:24 AM
To: LABtestimony
Subject: HB 952

Testimony to the House Labor & Public Employment Committee
February 3, 2009
8:30 a.m.

Re: HB 952

Chair Rhoads and Members of the Committee:

My name is Brian Arkle and my company is Alsco, a linen supply and laundry service company with 292 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.

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

Further, I strongly oppose this bill. Not because of its impact on me or the company I work for as we are already unionized. I believe it is fundamentally wrong to force anyone to vote or sign something without a secret ballot process. To call this bill the "Employee's Free choice act" is incorrect and criminally negligent. If the legislators are really concerned about an employee's choice, Hawaii should adopt a right to work policy instead.

Thanks,
Brian Arkle

yamashita1- Kathy

From: Ray Liu [RLL@tanakarestaurants.com]
Sent: Monday, February 02, 2009 2:06 PM
To: LABtestimony
Cc: Chester E. Kaneshiro; Andy Huang; S. Alexander Screen
Subject: Opposition to HB952 Union Card Check Legislation-Revised

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

Ray Liu
General Manager
Tanaka of Tokyo Restaurants Ltd., Central
Waikiki Shopping Plaza
2250 Kalakaua Ave. 4th Flr.
Honolulu Hawaii 96815
Tel. 808 - 922-4702
Fax 808 - 922-5485
E-Mail RLL@tanakarestaurants.com
Website www.tanakaoftokyo.com

yamashita1- Kathy

From: Yung Hua C. Tang 'Nio' [YCT@tanakarestaurants.com]
Sent: Monday, February 02, 2009 3:19 PM
To: LABtestimony
Cc: Ray Liu; Chester E. Kaneshiro; S. Alexander Screen
Subject: Opposition to HB952 Union Card Check Legislation

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

Nio Tang
Assistant Manager
Tanaka of Tokyo Restaurants Ltd., East
King's Village
131 Kaiulani Ave. , 3rd Floor
Honolulu, Hawaii 96815
Tel. 808 - 922-4233
Fax 808 - 922-6948
E-mail YCT@tanakarestaurants.com
Website www.tanakaoftokyo.com



February 2, 2009

Via Facsimile 808-586-6189
Email reprhoads@capital.hawaii.gov

Representative Karl Rhoads
Hawaii State Capital, Room 326
415 South Beretania St.
Honolulu, Hawaii 96813

RE: HB952

Dear Chair Rhoads and Members of the Committee:

My name is Kelvin Bloom. I am the President of Aston Hotels & Resorts, LLC (formerly known as ResortQuest Hawaii, LLC). Aston Hotels & Resorts employs approximately 1,200 individuals in the State of Hawaii. I respectfully request that you hold HB952.

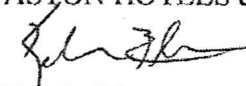
The proposed measure will certify entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives and requires immediate collective bargaining between the parties once entities are certified as exclusive representatives, including arbitration. This measure denies employees the right to a secret ballot and forces employers and the union to arbitration if an agreement is not reached within short time period. The procedures set forth in this measure will only result in additional costs, lost productivity, and increased bureaucracy in the workplace. It will serve no benefit.

In this economy, the focus needs to be on sustainability. This measure will undermine all sustainability efforts. Unionization will only increase costs and further weaken Hawaii's valuable, but shrinking tourist industry.

Accordingly, I hereby request that you hold HB952.

Sincerely,

ASTON HOTELS & RESORTS, LLC


Kelvin Bloom
President and Manager

KB:krs

cc: Representative Brower (586-8524/ repbrower@capital.hawaii.gov)

KB09-007



Hawaii Chapter

House Committee on Labor and Public Employment
Tuesday, February 3rd
House Conference Room 309

House Bill 952--Relating to Labor

Chairman Karl Rhoads, Vice-Chair Kyle Yamashita, 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

000079

“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!

000090

yamashita1- Kathy

From: Thomas Jones [tomjones@reihawaii.com]
Sent: Monday, February 02, 2009 2:55 PM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check Legislation - Revised Testimony with Correct Bill #

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

Thomas H Jones

President & CO-Owner

REI Food Service, LLC

d.b.a. Gyotaku Japanese Restaurants

www.gyotakuhawaii.com

--

Thomas H Jones

President & CO-Owner

REI Food Service, LLC

d.b.a. Gyotaku Japanese Restaurants

T:808-226-4866

F:888-827-1753

www.gyotakuhawaii.com

yamashita1- Kathy

From: Hamakua Macadamia Nut Co. [hawwnut@hialoha.net]
Sent: Monday, February 02, 2009 3:52 PM
To: LABtestimony
Subject: HB952

House Labor Committee
House Conference
Hawaii State Capital

Committee Chairman, Karl Rhoads, Kyle T. Yamashita, and Committee Members,

As president of Hamakua Macadamia Nut Company which currently employs 60 employees on the Big Island I am opposed to HB952. Our company had the experience of going through a union organizing attempt in 2006.

The process was orderly and the company was able to state its positions to the employees and the union was able to do the same without interference from the company. It was made clear from the very beginning by me and other representatives of the company that the decision was theirs to be made and that there would be no retribution should the employees choose to be unionized. We also have no knowledge of any intimidation of our employees on the part of the ILWU, the organizing union. As far as I am concerned the system worked and was fair and equitable for all parties involved.

Our employees after being fully informed as to the pros and cons of being represented by a union were told on the day of the vote that the union was withdrawing from the election and that there would be no vote. It is our assumption that they did not have close to the number of required votes that they needed. We never asked any employee how they voted or what their opinions of the outcome were. We all just moved on with greater respect for all of the people involved in the process including the employees, the ILWU, and the State Labor Board. Everyone played by the rules.

In my opinion vote or no vote the system worked. Under the terms of HB952 our employees would probably not have had the opportunity to be fully informed of all of the facts and their options because only one side would have the opportunity to give the employees any input.

Sometimes employers do not know that there is a problem until there is a problem and HB952 would deny employers of the right to correct any inequities that might exist within their company policies until after it was too late to rectify them.

The current system for union organizing is fair and equitable and considering our current economic conditions HB952 would probably put more jobs and businesses at risk, rather than creating any new job opportunities or improving any working conditions for Hawaii's workers as this bill may well have the best intentions of doing.

During these very difficult times it would seem prudent for all in state and federal government to partner with Hawaii's struggling businesses rather than making any decisions could potentially push them towards their demise.

Respectfully,
Richard Schnitzler
President
Hamakua Macadamia Nut Company

yamashita1- Kathy

From: Akagi, Jesse [jakagi@hawaiiigas.com]
Sent: Monday, February 02, 2009 3:50 PM
To: LABtestimony
Subject: HB952

Opposition to HB952 Union Card Check Legislation

E-Mail Text:

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

Jesse Akagi
Senior Account Executive
The Gas Company
808-245-3301 or 808-639-0093
Fax. 808-246-9581

CONFIDENTIALITY: The information contained in or attached to this e-mail is intended for the sole use of the designated recipient and may contain privileged and confidential information. If you are NOT the designated recipient please notify us by e-mail or phone at 808-535-5900 and destroy all electronic and hard copies of the original message. Thank you.

000004

yamashita1- Kathy

From: dukesross@aol.com
Sent: Monday, February 02, 2009 4:33 PM
To: LABtestimony
Subject: CardCheck

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952.

I would like to strongly urge you to oppose HB592. I feel that taking away the opportunity for a secret ballot would greatly undermine the process and tarnish the outcome. Voting in private has long been a fundamental of our society and removing it from something this important to all parties is not fair to either party.

Employees need to understand the effects of a decision like joining a union. The business should be allowed to address claims and representations and explain how this will change the work place. Workers should know both sides of the issue and be allowed to make their decisions in private and place their vote in secret.

Binding arbitration of a union contract would effectively kill our business. As an employer, I should be able to treat my employees in such a manner that they would be unwilling to unionize.

Its a difficult working environment and economy, I feel the legislature should be helping me keep my great staff employed and productive rather than legislating disincentives.

Respectfully

**Ross Anderson
Regional General Manager
Duke's Waikiki**

Great Deals on Dell Laptops. Starting at \$499.

yamashita1- Kathy

From: Lisen Berquist, SPHR [bsi.hr@aloha.net]
Sent: Monday, February 02, 2009 4:23 PM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check Legislation

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952.

Personal opinion and voting our own unique opinions privately are both key pieces of our democratic system. I strongly oppose any legislation that could cause individuals to be pressured into a vote they must make publicly, opening the fearful door of retribution and social pressure. We are given the privilege of curtains at our voting polls every four years....why wouldn't that be true in labor votes? Employees should have the right to make important decisions like this, fully informed, and in private by secret ballot.

Given the current state of our economic affairs, the government should be working with business to create jobs, not legislate disincentives.

Respectfully,

Lisen A. Berquist, SPHR
Human Resources Director
Big Save, Inc.

yamashita1- Kathy

From: Bill Loose [bloose@palamameat.com]
Sent: Monday, February 02, 2009 5:49 PM
To: LABtestimony
Subject: Testimony on HB952

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

William Loose
CEO & President
Palama Holdings LLC
Palama Meat Company
H&W Food Service

yamashita1- Kathy

From: Debbie Padello [Debbie.Padello@altres.com]
Sent: Monday, February 02, 2009 4:50 PM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check
Importance: High

To: House Labor Committee
House Conference Room 309
Hawaii State Capitol

Re: Opposition to HB952 Union Card Check Legislation

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB592.

I have worked in a union environment and witnessed first hand how intimidation played a role in getting employees to vote as told by the union organizers. The secret ballot is the foundation of our democratic system. Basing the decision to use collective bargaining using a card check procedure will allow **coercion or fear of retribution** to enter into the process.

Employees **deserve** the chance to make this important decision fully informed and in **private** by secret ballot, the same way that they vote for any elected official. Taking the right to vote in secrecy away from citizens is absolutely un-American.

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

With the state of our economy, I would hope that government would be interested in creating jobs and growing the economy rather than saddling businesses with this unfair and un-American ruling.

Respectfully,

Debbie Padello, MBA | Director of HR & Client Services

ALTRES HR

ALTRES HR

967 Kapiolani Boulevard, Honolulu, HI, 96814

Phone: (808) 591-4900 | Fax: (808) 791-5332

debbie.padello@altres.com | altreshr.com

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yamashita1- Kathy

From: Tommie Sukanuma
Sent: Monday, February 02, 2009 4:59 PM
To: LABtestimony
Subject: FW: HB 952

This was sent to Rep. Evans, when it should have gone to your office.

Mahalo

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

From: rodney.ito@marriott.com [mailto:rodney.ito@marriott.com]
Sent: Monday, February 02, 2009 1:51 PM
To: Rep. Cindy Evans
Subject: HB 952

Testimony to the House Labor & Public Employment Committee
February 3, 2009
8:30 a.m.

Re: HB 952

Chair Rhoads and Members of the Committee:

My name is Rodney Ito and my company is the Waikoloa Beach Marriott, and we have over 300 associates. I respectfully request that you hold HB 952.

I have been employed in the hospitality industry for over 30 years. I was once a union member and experienced the aggressive nature that the union promotes to convince people to agree with them. During union negotiations I was chastised by the union business agent for not attending union meetings. I was told that without them I wouldn't have a job. They confuse employees to think that the only reason they have a job is due to their union membership. They focus their tactics in areas of the operation that employ immigrants and they recruit cultural leaders in the workforce to deliver their message. Some employees are afraid to disagree for fear of becoming an outcast from their own cultural group.

The union is a business and the strength of their business is membership. They do not like to lose members. Their "work rules" discourages employees to learn new skills and offer little incentive to further their careers. Work rules encourages mediocrity and the last thing we need in our community is more mediocrity.

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.

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

Sincerely,
Rodney Ito

yamashita1- Kathy

From: Party Chair [dphchair@gmail.com]
Sent: Thursday, January 29, 2009 7:28 PM
To: LABtestimony
Subject: Labor Testimony for Feb 3, HB 952

Aloha Chair Rhoads and members of the Committee:

I am writing to ask for your favorable consideration for HB 952. This legislation is modeled after that which all of the major Democratic candidates for President supported, and was supported at our Democratic Convention. As the economic environment has gotten worse, there is broad recognition that the playing field is not level between management and labor, and that this legislation is a first step in retaining and rebuilding Hawaii's middle class.

Please pass this legislation, and be prepared to override a potential veto from Governor Lingle.

With respect and aloha,

Brian Schatz
Chair
Hawaii Democratic Party

Byron R. "Biff" Graper (S)
Colliers Monroe Friedlander, Inc.
220 S. King Street, Suite 1800
Honolulu, Hawaii 96813
808-523-9737

Testimony to the House Labor & Public Employment Committee
February 3, 2009
8:30 a.m.

Re: HB 952

Chair Rhoads and Members of the Committee:

My name is Byron R. Graper and I am a real estate salesperson at Colliers Monroe Friedlander, Inc., (commercial real estate) and there are approximately 120 employees there. I respectfully request that you hold HB 952.

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 employees would have been thwarted.

030091

yamashita2 - Kristen

From: Chiemi [chiemi@wave.hicv.net]
Sent: Friday, January 30, 2009 3:17 PM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition

Importance: High

Aloha,

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Andrea Apo

yamashita1- Kathy

From: Coco Augustiro [mkkcoco@gmail.com]
Sent: Friday, January 30, 2009 8:20 PM
To: LABtestimony
Subject: Oppose HB952 Collective Bargaining Petition

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Colette Augustiro

yamashita2 - Kristen

From: Sammi Calairo [molokaigrafx@yahoo.com]
Sent: Friday, January 30, 2009 6:28 PM
To: LABtestimony
Subject: Oppose HB 952 Collective Bargaining Petition

Subject: Oppose HB952 Collective Bargaining Petition

I am a resident of Kaunakakai, Hawaii and I oppose HB952. 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.

HB952 would effectively eliminate private elections. Under this bill, if more than 50% of workers sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one.

Respectfully submitted,

Audwin A Calairo

Date: January 30th, 2009

To: Committee Chair Rep. Karl Rhoads

Fax: 586-6331

Re: Bill HB 952 "Collective Bargaining Petition"

Dear Committee Chair Rep. Karl Rhoads:

I am writing to ask that you do not pass Bill HB 952 "Collective Bargaining Petition."

This Bill would effectively eliminate private elections. If the unions are able to get more than 50% of workers to sign a petition, the Hawaii Labor Relations Board would have to certify the union, and a private ballot election would be prohibited, even if workers want one. In a recent poll 71% of voters agree that a private election is better than card check. We have seen a decline in the unions prevalence in the workforce over the past five decades. This bill would reverse this trend. We would see union organizers pressuring workers, even more into joining unions.

As an employee in Hawaii I should have a right to vote on whether or not I want to be part of a union. I would like to say Mahalo for taking the time to read my testimony and again ask that you do not pass Bill HB 952 "Collective Bargaining Petition."

Thank you very much for your consideration



Tom Scagnoli
Ewa Beach, Hawaii

yamashita1- Kathy

From: Martha Smith [vathistle@yahoo.com]
Sent: Sunday, February 01, 2009 10:46 PM
To: LABtestimony
Subject: Vote no on HB 952!

2/1/09

Honorable Chairperson Rhoads,

Please do not take away my right to a secret ballot. The absence of a secret ballot process will lead to unnecessary peer pressure and intimidation tactics in the workplace. Not all people are comfortable standing up against others. One of the most basic principles of a democracy is the right to a secret ballot. Why should a union vote be any different?

I'm also very disconcerted by the two year contract that would be put in place by government arbitrators if the union and the employer can not come to an agreement. This is further taking away the rights and voices of the employers and the employees!

Please oppose HB 952!

Sincerely,
Martha Smith
Mililani, HI

From: Mark Stoutemyer [mstoutemyer@hotmail.com]
Sent: Monday, February 02, 2009 6:11 AM
To: LABtestimony
Subject: HB 952 for LAB hearing Feb 3

HB 952, Relating to Collective Bargaining Petition
House Committee on Labor and Public Employment
Hearing: Feb 3, 2009 at 8:30 a.m.
Room 309

Position: Oppose bill 952

Chairman Rhoads, Vice Chair Yamashita, and members of the committee,

My name is Mark Stoutemyer and I live on the island of Oahu in Kailua. I oppose House bill 952 because I don't believe my right to a secret ballot should be taken away when choosing whether to join a labor union. There already is an opportunity to join a labor union through a process that allows workers to indicate an interest in an election followed by a vote that is cast privately. If more than half of the workers sign a petition, the labor board certifies the union and we wouldn't have a chance for a private ballot election if we want one.

I cannot attend the hearing in person because it is being held while I am working, but wanted my state legislators to know that I do want this bill to pass. Thank you for the opportunity to provide written testimony in opposition to this bill.

Working for a seed company, we are provided a good living wage for me and my family, with generous vacation and benefits. I don't think a union would get me and my family better pay and benefits than what we already have.

In my current job I can work hard, be recognized for that and get promoted to a job with higher pay. In a Union environment, people get promotions based on how long they have been working at a job. This creates a culture of work mediocrity, because there are no incentives to achieve beyond the minimum. Innovation and flexibility are critical for business in these difficult economic times.

Respectfully yours,
Mark Stoutemyer

Oppose HB 952: "Collective Bargaining Petition" (formerly know as Card Check)

*Stand up for the rights of workers.
Protect your right to a secret ballot.*

HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

1
000097

yamashita1- Kathy

From: mike.austin@syngenta.com
Sent: Monday, February 02, 2009 1:17 PM
To: LABtestimony
Subject: Opposition to HB 952

2/2/2009

Committee Chair,
House Committee on Labor and Public Employment
Hawaii State Capitol

Dear Committee Chair,

RE: Opposition to HB 952

This letter is in Opposition to HB952 which is being heard in committee on 3 February 2009 in conference room 309. The right to vote in America is sacrosanct and the Card Check Bill as proposed destroys this fundamental right of democracy.

Please, with all due respect, kill this bill.

Sincerely,

Michael Austin
PO Box 1006
Lihue, Hawaii 96766

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1
000098

yamashita1- Kathy

From: Laurie Goodwin [u142520@gmail.com]
Sent: Monday, February 02, 2009 8:45 AM
To: LABtestimony
Subject: HB 952

Dear Representative Rhoads,

I **strongly oppose HB 952**, which effectively eliminates an employee's right to the most basic democratic tool – the secret ballot. HB 952 replaces the secret ballot with a procedure allowing employees to simply sign a petition stating their desire for representation. Passage of this bill will also eliminate one of the most basic human rights – the right to privacy. Elimination of the secret ballot leaves employees open to bullying or intimidation tactics. For that reason, this bill impacts everyone regardless of whether you're an employer, or an employee. Passage of this bill may allow individuals to intimidate workers who may be misinformed or may simply not want to sign the petition.

But that's not all. This bill could force companies to let government arbitrators decide how their business operates. Seventy-five percent of voters believe that government appointed arbitrators should not decide the conditions of a union contract and the fate of the unionized employees.

Please stand up for the rights of workers and protect their right to a secret ballot.

Sincerely,

Laurie Goodwin

yamashita1- Kathy

From: R McCormack [mcspresso@gmail.com]
Sent: Monday, February 02, 2009 9:33 AM
To: LABtestimony
Subject: HB 952 for LAB Hearing on Feb 3

HB 952, Relating to Collective Bargaining Petition
House Committee on Labor and Public Employment
Hearing: Feb 3, 2009 at 8:30 a.m.
Room 309

Position: Oppose House Bill 952

Chairman Rhoads, Vice Chair Yamashita, and members of the committee,

My name is Richard McCormack and I live in Wahiawa on the island of Oahu.

I oppose House Bill 952 because I don't believe my right to a secret ballot should be taken away when choosing whether to join a labor union.

There already is a process in place to join a labor union. The union gathers cards from employees (50% plus one person) and we ALL get to go in and privately vote. This bill takes that right to privately vote away from me.

I used to work where there was a union and in my experience the amount that we paid in for union dues did not offset the compensation we received, either in pay or in other benefits.

I cannot attend the hearing in person because it is being held while I am working, but wanted my state legislators to know that I do want this bill to pass. Thank you for the opportunity to provide written testimony in opposition to this bill.

Sincerely,

Richard McCormack

HB 952, Relating to Collective Bargaining Petition
House Committee on Labor and Public Employment
Hearing: Feb 3, 2009 at 8:30 a.m.
Room 309

Position: Oppose bill 952

Chairman Rhoads, Vice Chair Yamashita, and members of the committee,

My name is Cindy Goldstein and I live on the island of Oahu in Aiea. I oppose House bill 952 because I don't believe the right to a secret ballot should be taken away when choosing whether to join a labor union. There already is a way to be able to join a labor union through a process that allows workers to indicate an interest in an election followed by a vote that is cast privately. This bill worries me because 51% of workers at a workplace could sign a petition, with other people standing nearby urging them to sign the petition, and a labor board certifies the union. The workplace would end up having agreed to a union and then would not have a chance for a private ballot election if we want one. The current system allowing for a private vote lets a union come into a workplace already.

I work for a seed company and compared to other people I know, the benefits and salary we get are very good. The salaries here at work provide a good living wage, and I get more vacation days and time off for health care needs than other people I know that have worked at their jobs longer than I have. I don't think having a union at work would end up getting better wages or benefits for workers compared to the better than typical benefits we have now.

Thank you for the opportunity to provide written testimony in opposition to this bill.

006101

yamashita1- Kathy

From: lsoll@hawaii.rr.com
Sent: Monday, February 02, 2009 4:11 PM
To: LABtestimony
Subject: Opposition to HB 592

Follow Up Flag: Follow up
Flag Status: Flagged

Please vote no on HB592.

My husband and many in our family are union members. They deserve to be able to cast secret ballots without coercion or intimidation. Basing the decision to use collective bargaining using a card check procedure will allow coercion or fear of retribution to enter into the process. Employees deserve the chance to make this important decision fully informed and in private by secret ballot, the same way that they vote for any elected official. Taking the right to vote in secrecy away from citizens is absolutely un-American.

Employers should be afforded the opportunity to address employees prior to a secret vote and offer their concerns and ideas so that workers can hear from both sides before voting.

With the state of our economy, I would hope that government would be interested in creating jobs and growing the economy rather than saddling businesses with this unfair and un-American ruling.

Please oppose HB 592.

Thank you,

Linda Soll
606 Hunakai Street
Honolulu, Hawaii 96816

yamashita1- Kathy

From: jennings@sentientearth.com
Sent: Monday, February 02, 2009 1:30 PM
To: LABtestimony
Subject: HB592 Opposition

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads
Vice Chair Kyle T. Yamashita
Committee Members

OPPOSTION TO HB592

I am writing to express my strong opposition to HB592.

A democracy cannot function without the fundamental right to a secret ballot. To legislate this right away is wrong. Workers are protected by the secret ballot and workers' rights must be paramount over and above the desires of any legislative body or labor union.

The State of Hawaii already makes it very difficult for businesses who employ people and for those seeking jobs, please do not further hamper our business and labor environment with such an unnecessary and burdensome law.

Respectfully,

Gail Jennings
Concerned Citizen and Registered Voter
Pearl City

yamashita1- Kathy

From: Stephanie Buck [stephbuck@hfahawaii.com]
Sent: Monday, February 02, 2009 4:42 PM
To: LABtestimony
Subject: opposition testimony to HB952

To: House Labor Committee
House Conference Room 309
Hawaii State Capitol

Re: Opposition to HB952 Union Card Check Legislation

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I strongly oppose HB952.

As a citizen of Hawaii, I want my privacy as a worker protected. I count on you, my legislators, to protect my privacy.

This bill would remove my right to a secret ballot on matters involving my employment, my paychecks and deductions from my paychecks. These are matters that I take very seriously and that are protected by law. I deserve the right to cast a secret ballot without the coercion or influence of management or a union.

Do not take my rights away from me. Oppose HB952.

Respectfully,

Stephanie Buck

yamashita1- Kathy

From: Michael758 [michael808a@hawaiiantel.net]
Sent: Monday, February 02, 2009 4:59 PM
To: LABtestimony
Subject: testimony HB952

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952.

As we all know, 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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,

Michael Zehner

952-0275

**Late
Testimony
For H.B. 952**

000106

HOUSE OF REPRESENTATIVE
25th LEGISLATURE
REGULAR SESSION of 2009

Late Testimony

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
Representative Karl Rhoads, Chair

2/3/09
8:30 AM

HB 952
Relating to Labor

Chair Rhoads and members of this Committee, my name is Max Sword, here on behalf of Outrigger Hotels, to offer our comments on this bill.

What makes this great country the greatest in the world is the freedoms that its citizens have, primarily the freedom of choice.

The freedom of making a choice thru a secret ballot is not only the hallmark of our democracy, but also of the union organizing process, because it provides the best safeguard against abuse. In the case of union organizing, the current process protects the employee, both from the employer and the union attempting to organize.

The current process allows an employee to pause and carefully consider the arguments from both sides, consider their choices and then make their final decision thru the privacy of a secret ballot.

This bill would essentially deny employees freedom of choice. This bill would allow an organizer to approach an employee to sign a card, even outside the workplace, and even if an employee does not understand what it means. The union can use this card to get certification. There is no procedure to show whether or not there was coercion in getting authorizations.

The proposed process in this bill also throws out the employee's right to another freedom, the ratification of a contract. What this bill says is that an arbitration panel's "decision shall be binding upon the parties for a period of two years." The employee has no say on whether they like the contract or not.

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 may not wish to be in. The current process protects that employee, this bill does not.

We oppose and urge you to hold this bill.

Mahalo for allowing us to testify.

000107

HOUSE COMMITTEE ON LABOR:

**Representative Karl Rhoads, Chair; Kyle T. Yamashita, Vice Chair of the
Committee on Labor and Public Employment.**

TESTIMONY IN OPPOSITION OF HB 952; RELATING TO LABOR

Hearing Date: Tuesday, February 3, 2009
Time: 8:30 AM
Place: Conference Room 309
State Capitol
415 South Beretania Street
Copies: 15

Chair Rhoads and Vice Chair Yamashita and members of the House Committee on Labor and Public Employment.

I am James Kuroiwa, Hawaii Director for the Alliance of Worker Freedom at P.O. Box 30783 Honolulu, HI 96820, and we work in close association with the Grassroot Institute of Hawaii and the Alliance for Worker Freedom in Washington, DC.

We are testifying in strong opposition to House Bill 952 and its basic intent to take away the rights of all citizens of the State of Hawaii to cast a secret vote for their choice to be represented by a Union or not.

Organizing a business or company is extremely difficult but very satisfying work if you succeed, because either top-down or bottom-up organizing both are difficult work. The construction industry is where the Federal Government allows top-down organizing. Public sector employees also have a different method of organizing through changes in the Hawaii Revised Statutes. The public sector employee has a choice in becoming a member of a public sector union authorized by law.

Other sectors of Hawaii's economy would organize bottom-up, where the Union agents, following the rules established by the U.S. Department of Labor, work to convince workers the advantage of joining their union. The employers would be challenged in providing employees better compensation and benefits to remain equal or better than what the unions offer through collective bargaining.

This bill attempts to circumvent the current and very workable process. Most important is that in a slowing economy, this bill would act as an obstacle discouraging employers to hire more employees.

Sincerely,

JAMES I. KUROIWA, JR.
Hawaii Director
The Alliance for Worker Freedom

000108

From: Chester E. Kaneshiro [CEK@tanakarestaurants.com]
Sent: Monday, February 02, 2009 6:43 PM
To: LABtestimony
Subject: HB952

Late Testimony

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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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.

Chester E. Kaneshiro
President
Tanaka of Tokyo Restaurants Ltd., Corporate Offices
131 Kaiulani Avenue, 3rd Floor
Honolulu, Hawaii 96815

Tel: 808-922-4233
Fax: 808-922-6948

E-Mail CEK@tanakarestaurants.com
Web www.tanakaoftokyo.com

000109

yamashita2 - Kristen

From: Honolulu Tavern [party@honolulutavern.com]
Sent: Monday, February 02, 2009 9:37 PM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check Legislation

Late Testimony

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB592.

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. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

Employers should 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,
Byron Chalfont
Owner
Honolulu Tavern

000110

yamashita2 - Kristen

From: Andy Huang [AYH@tanakarestaurants.com]
Sent: Monday, February 02, 2009 9:35 PM
To: LABtestimony
Cc: Chester E. Kaneshiro; S. Alexander Screen; Ray Liu
Subject: Opposition to HB952 Union Card Check Legislation

Late Testimony

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952.

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Respectfully,

Andy Y. Huang
General Manager
Tanaka of Tokyo Restaurants Ltd., East
King's Village
131 Kaiulani Ave., 3rd Floor
Honolulu, Hawaii 96815
Tel. 808 - 922 - 4233
Fax 808 - 922 - 6948
E-mail AYH@tanakarestaurants.com
Website www.tanakaoftokyo.com

000111

yamashita2 - Kristen

From: LSPWaikiki@aol.com
Sent: Monday, February 02, 2009 7:17 PM
To: LABtestimony
Subject: Opposition to HB952 Union Card Check Legislation

Late Testimony

House Labor Committee
House Conference Room 309
Hawaii State Capitol

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB592.

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Respectfully,

John Harrison
President
Legends Inc
411 Nahua Street
Honolulu, Hi 96815
808-922-7486
est 1993

Who's never won? [Biggest Grammy Award surprises of all time on AOL Music.](#)

000112

From: Roy T. Ogawa [rogawa@OLLON.COM]
Sent: Monday, February 02, 2009 8:39 PM
To: LABtestimony
Cc: KHI@biahawaii.org
Subject: HB 952 Relating to Labor

Late Testimony

To: Committee on Labor & Public Employment.
Time: Tuesday, February 3, 2009 at 8:30 a.m.
Place Conference Room 309

Re: HB 952 Relating to Labor

Chair Rhoads; Vice Chair Yamashita and members of the Committee on Labor & Public Employment.

My name is Roy T. Ogawa and I am a lawyer and small business person.

I am strongly opposed to HB 952 because it does away with the employees right to a secret ballot and is tilted in favor of union certification.

“Streamlining” is just a code word for allowing and encouraging organizers to pressure employees to sign up against their will. To ignore this factor is to ignore the right of *freedom of choice* of every citizen.

In effect the Legislature would be repealing the provision in HRS §377-4 giving employees to chose and if so to “..refrain from any and all such activities.” Why would the legislature want to do that?

If you want to streamline then *streamline the voting process* rather than taking away the right to a secret ballot.

If the majority will 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 Wal Mart and Costco with thousands of employees and also to every other small business in town with several employees that want to organize against the boss. It would also compel arbitration and a contract binding for two years if the business lasts that long. It is also unclear who will have to pay for an expensive binding arbitration to determine the contract terms. What is a “unit appropriate for bargaining”? Is twenty employees too small? Is five? Do they all have to do the same or similar jobs?

As written, this is a very detrimental law to small business. In these challenging economic times when businesses are just trying to survive you will have imposed another burden that will accelerate the economic downturn. Don't you think that employees who may be laid off because a business can't afford them won't try to organize?

Please kill HB 952 before you do more damage to small businesses that are barely making it.

Roy T. Ogawa

yamashita2 - Kristen

From: Cliff Hunter [cliffhunter@mac.com]
Sent: Tuesday, February 03, 2009 12:15 AM
To: LABtestimony
Subject: Oppose HB 952: "Collective Bargaining Petition"

Late Testimony

While labor unions have been beneficial in the past I strongly oppose this bill. Not because of opposition to union membership - but because of the absence of a SECRET BALLOT. Absence of the secret ballot can easily be lead to intimidation of individuals because their voting can be scrutinized and unfairly influenced by parties with vested interests other than the interests of the individuals. This could easily lead to infringement of individuals' and infringement of our civil liberties.

Preserve the SECRET BALLOT and you will preserve the freedom of us each to vote as we please without unfair influence from others.

Thank you for your attention.

Best Regards,

Clifford Hunter PhD,
95-246 Kapanoe Place
Mililani, HI 96789

808 557 4281

000114

yamashita2 - Kristen

From: Joanna Leong [joannaleong@hawaiiantel.net]
Sent: Monday, February 02, 2009 7:57 PM
To: LABtestimony
Subject: Re: Opposition to HB 952 Union Card Check Legislation
Importance: High

Late Testimony

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

From: Joanna Leong
To: LABtestimony@Capitol.hawaii.gov

Committee Chairman Karl Rhoads, Vice Chair Kyle T. Yamashita & Committee Members,

I am in opposition to HB952

The secret ballot is the foundation of our democratic system.

Streamlining union certification as described in HB952 may allow coercion or fear of punishment to enter into the process. Employees deserve the chance to make this important decision fully informed and in private by secret ballot.

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

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

One should re-think the best role for government in these horrific economic times. Government should be working with the business community to create jobs rather than legislate disincentives.

Respectfully,

Joanna Leong
KDI Investment Inc.

000115