

Late Testimony

February 3, 2009

Testimony OPPOSED to HB 952
Relating to Labor
Presented to the Committee on Labor and Public Employment
At the hearing 8:30 a.m. Tuesday, February 3, 2009
In Conference Room 309, Hawaii State Capitol

Submitted by David H. Rolf, for the Hawaii Automobile Dealers Association
Hawaii's Franchised New Car Dealers

Chair Rhoads and members of the committee,

The Hawaii Automobile Dealers Association opposes HB 952 because the card check method if allowed for union certification would undermine an employee's democratic rights and protections to a fair and secret election to determine whether he or she really wants union representation.

Problems abound in the bill:

There are no deadlines for collections of signatures.

There is no corresponding provision extending card check to the decertification process.

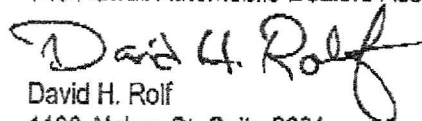
It opens the door to potentially heavy-handed, intimidation tactics to gain signatures, since no secret ballot is allowed.

Indeed, many other issues have arisen.

The National Labor Relations Act was amended in 1947 to provide workers the right to a private ballot following widespread intimidation of workers during organizing drives in 1930's and 1940's, and those same concerns apply to HB 952.

HADA respectfully requests that HB 952 be held.

Respectfully submitted,
The Hawaii Automobile Dealers Association



David H. Rolf
1100 Alakea St. Suite 2601
Honolulu, Hawaii 96813
Tel: 808 593-0031 Cell: 808 23-6015 Fax: 808 593-0569

yamashita2 - Kristen


From: Tom Stewart [tstewart@alsco.com]
Sent: Tuesday, February 03, 2009 9:38 AM
To: LABtestimony
Subject: FW: Correct Version Use This Text ! Union Card Check Testimony Due TODAY ! Use This Easy E-Mail Link and Text


Late Testimony

From: HRA Legislative Action Alert [mailto:hra@hawaiirestaurants.org]
Sent: Monday, February 02, 2009 3:25 PM
To: tstewart@alsco.com
Subject: Correct Version Use This Text ! Union Card Check Testimony Due TODAY ! Use This Easy E-Mail Link and Text

You are receiving this email from Hawaii Restaurant Association because you are an HRA Member, subscribed on our website or were referred by a friend. To ensure that you continue to receive emails from us, add hra@hawaiirestaurants.org to your address book today. If you haven't done so already, click to [confirm](#) your interest in receiving email campaigns from us.

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HRA  **Hawaii Restaurant Association** **LAA**

REMINDER - Testimony is Due TODAY!!
Monday, Feb 2nd for Hearing on Tues Feb 3rd 8:30 AM

LABtestimony@Capitol.hawaii.gov

Use this sample text to start your own e-mail and then edit it to make it unique or send it to Labor Committee Testimony link above.

Subject Line:
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,

Thomas G. Stewart
Assistant General Manager
AlSCO, American Linen Division

[Click to link to Copy of HB 952](#)

Email: govrel@hawaiirestaurants.org
Phone: (808) 944-9105
Fax: (808) 944-9109

The HRA Government Relations Committee hopes you find this information helpful, that you will send in testimony in opposition to this bill and will forward this Legislative Alert to other restaurateurs who may want to keep on top of legislative issues affecting restaurants.

Use the icon below if you wish to ~~un~~-subscribe from this email list and you can still receive the HRA Newsletter.

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Hawaii Restaurant Association | 1451 S King St. | Suite 503 | Honolulu | HI | 96814

Late Testimony

From: Local627@boilermakershawaii.com
To: labtestimony@capitol.hawaii.gov
Subject: HB 952- Testimony in Support

February 3, 2009

TO: Committee on Labor and Public Employment

FROM; Gary Aycock Asst. Busn. Mngr. Boilermakers L-627 for
Allen Meyers Busn. Mngr.

RE: H.B. 952 – RELATING TO LABOR

Testimony in Support

The Boilermakers Union representing men and women that build and repair our Power Plants, Refineries, Water Treatment Plants, and Ships. We work on Private, Commercial, and Military Ships. We are in strong support of **H.B. 952- Relating to Labor**.

The Boilermakers Union has made many attempts to represent workers in Hawaii in several organizing campaigns only to have employers use unethical tactics to stop the employees. Companies have used all the tactics advised to them by "Union Busting" Attorneys such as telling employees they would "Have to close its doors". Prolonging and stalling tactics were used and also false promises, lies and deception. I should also mention verbal intimidation such as threats that the employee will not have his job if he votes yes. There were other incidents that are too many to put in this letter.

I assume that I don't need to address the importance of Union Representation in our private sector, but the security and stability of every worker is at stake. We are merely looking for our fair piece of the pie to make a decent wage and benefit package. Without this ability to free choice workers usually face a life of substandard wages, little or no benefits and working conditions. Furthermore their job can be made worse by the constant intimidation by unfair, untrained, unethical, and at times irrational management personnel.

I personally have been on both sides of the fence and I realize just how important this **H.B. 952- Relating to Labor** is for the future of the working class everywhere. Mahalo for your Kokua.

Respectfully Submitted By,

Gary Aycock
Boilermakers Local 627
1414 Dillingham Blvd. Rm. 205
Honolulu HI 96817
Office: 848-7744
Fax: 848-0311

From: Dave Rolf [drolf@hawaiidealer.com]
Sent: Tuesday, February 03, 2009 8:21 AM
To: LABtestimony
Subject: HADA testimony opposed to HB 952, view in PRINT format

Late Testimony

February 3, 2009

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House Labor Committee
House Conference Room 309
Hawaii State Capitol

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

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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,

Steven D. Cole

Director of Sales
Kona Brewing Co.
808-347-1211
steve@konabrewingco.com

From: Monica I. Toguchi [highwayinnhr@hawaiiantel.net]
Sent: Monday, February 02, 2009 10:20 AM
To: LABtestimony
Subject: HB 952

Late Testimony

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 a 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 company's 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