



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

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March 8, 2010

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

Date: Tuesday, March 9, 2010
Time: 9:30 a.m.

Place: Conference Room 309
State Capitol

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

**Testimony in Opposition to
S.B. 2383, Relating to Dislocated Workers**

The Department of Labor and Industrial Relations opposes this bill for the following reasons:

- The Department provides Rapid Response services to employers affected under the Law as well as businesses who voluntarily seek the assistance of the Department. The Department provides information, guidance and counseling on the process of filing for unemployment compensation, meeting the job search and availability of work requirements, seeking community resources, and assessing workers' abilities, skills and experiences to complement current labor market needs. A proactive approach to assist all affected parties would be more beneficial than using limited department resources to penalize employers.
- The bill would require the Department to establish a system to track and investigate all closures to identify any violations of the law and develop a mechanism to bill and collect any penalties. The Attorney General's office will also need to be involved to ensure all actions are taken within the boundaries of the law. Federal Funds are not available to support enforcement of a State law. Without financial assistance from State general revenue, the Department will not

be able to carry out the added responsibilities required by this bill. Budget constraints preclude State funding for this added responsibility.

The Twenty-Fifth Legislature
Regular Session of 2010

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

State Capitol, Conference Room 309
Tuesday, March 9, 2010; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2383
RELATING TO DISLOCATED WORKERS**

The ILWU Local 142 supports S.B. 2383, which authorizes the Department of Labor and Industrial Relations to exercise enforcement powers against an employer in a covered establishment that would require the employer to adhere to, and comply with, the notification and penalty provisions of Section 394B-9, HRS.

The 2007 Legislature amended the Dislocated Worker Act to include penalties against an employer for failure to provide notice in the event of a closure, divestiture, partial closing or relocation of a business. However, to enforce the penalties, an aggrieved worker must file a claim in court, subjecting the worker to expense and delays that ultimately serve as a disincentive to seeking the penalties.

S.B. 2383 will authorize the Department of Labor and Industrial Relations to enforce the penalties section of the Dislocated Worker Act. The Department has far more resources at its disposal than a dislocated worker who has lost his job and may not know what lies ahead for him in the future.

The ILWU urges passage of S.B. 2383. Thank you for the opportunity to testify on this matter.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
 AFSCME Local 152, AFL-CIO

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

Testimony by
 Hawaii Government Employees Association
 March 9, 2010

S.B. 2383 – RELATING TO
 DISLOCATED WORKERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 2383. The bill authorizes the Department of Labor and Industrial Relations to exercise enforcement powers against an employer in a covered establishment that would require the employer to give employees at least 60 days notice of closing, relocation or divestiture of the business.

Thank you for the opportunity to testify in support of S.B. 2383.

Respectfully submitted,

Nora A. Nomura
 Deputy Executive Director

