

GM741
TESTIMONY



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

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April 12, 2011

To: The Honorable Clayton Hee, Chair
and Members of the Senate Committee on Judiciary and Labor

Date: April 13, 2011

Time: 9:00 a.m.

Place: Conference Room 016, State Capitol

From: Dwight Takamine, Director
Department of Labor and Industrial Relations

**GM 741 – ROCK B. LEY
Hawai‘i Labor Relations Board**

The Department of Labor and Industrial Relations (DLIR) supports the confirmation of Mr. Rock Ley to the Hawai‘i Labor Relations Board.

The addition of Mr. Ley to the Hawai‘i Labor Relations Board would bring a wealth of experience, education and knowledge to the Board. Mr. Ley earned a Ph.D. in Modern Economic and Social History from John Hopkins University as well as a J.D. from the Southwestern School of Law. Mr. Ley also has extensive legal experience having worked in both the public sector for the Attorney General and the Labor and Industrial Relations Appeals Board (LIRAB) as well as the private sector representing clients in workers’ compensation and product liability matters. Most recently, Mr. Ley has served as a Hearing Officer for LIRAB.

Mr. Ley has the ability to serve as a valuable asset to the Hawai‘i Labor Relations Board and is well qualified and deserving of confirmation for the Hawai‘i Labor Relations Board.

SENATOR CLAYTON HEE, CHAIR
Senate Committee on Labor and Judiciary

Roland Q.F. Thom, Chairman
Labor & Industrial Relations Appeals Board ("LIRAB")
830 Punchbowl Street, Room 404
Honolulu, HI 96813
Tel. No. (808) 586-8600

Wednesday, April 13, 2011

Support for G.M. 741, Relating to Nomination of Rock B. Ley
To the Hawaii Labor Relations Board ("HLRB")

I have had the privilege of knowing Rock B. Ley ("Rock") both socially and professionally for almost 25 years. He clerked for LIRAB and eventually was associated with the law firm of Char Hamilton Campbell & Thom, of which I was a member. Rock worked directly under my supervision. Without reservation, I can speak in support of his prospective appointment to the Hawaii Labor Relations Board ("HLRB").

Rock has the ideal temperament to plow through complex and voluminous facts and extract from them useful decisions and solutions. As such, I am certain he can readily apply this special skill to the HLRB and its work. He is calm under pressure and works steadily with special focus that is not subject to distraction.

Rock is a conscientious student of the law. The specialty knowledge he currently possesses in the area of workers' compensation should provide excellent background information to facilitate a transition to labor management relations law and the special rules associated with collective bargaining agreements.

I have no doubt that when Rock is confirmed, he will be an invaluable asset to the HLRB. His legal and personal skills and ability to grind out tough work tasks will be missed by LIRAB.

NEIL ABERCROMBIE
GOVERNOR



ROLAND Q.F. THOM
CHAIRMAN

MELANIE S. MATSUI
DAVID A. PENDLETON
MEMBERS

LABOR & INDUSTRIAL RELATIONS APPEALS BOARD
KEELIKOLANI BUILDING
830 PUNCHBOWL STREET, ROOM 404
HONOLULU, HAWAII 96813
(808) 586-8600

April 11, 2011

Senator Clayton Hee
Chairman, Senate Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Senate Confirmation of Rock B. Ley to Hawaii Labor Relations
Board (Governor's Message No. 741)

Dear Senator Hee:

I support Rock B. Ley's appointment to the Hawaii Labor Relations Board.

I am a member of the Labor and Industrial Relations Appeals Board and have had the opportunity to work with Mr. Ley since September 2008. I had also known Mr. Ley casually for a number of years before that time.

I believe that Mr. Ley is an ideal candidate for the Hawaii Labor Relations Board, and I am certain that his experience as the Hearings Officer for the Labor and Industrial Relations Appeals Board further prepared him for this appointment.

While with our office, Mr. Ley has conducted various conferences as well as hearings. He has also issued proposed Decisions and Orders. I believe that his analyses of the cases he heard has been well thought-out and the majority of his proposed Decisions and Orders have been adopted, *in toto*, by the Labor and Industrial Relations Appeals Board.

I also believe that Mr. Ley has the appropriate judicial temperament and personality for a position dealing with various labor issues. He is straightforward, kind, understanding, a hard worker, detail oriented, and above all, fair.

Although I will deeply miss Mr. Ley and his contributions to our office, I honestly believe that his addition to the Hawaii Labor Relations Board will further benefit the State of Hawaii.

Sincerely,

/s/ Melanie S. Matsui
Member



The Senate Committee on Judiciary and Labor
Wednesday, April 13, 2011
9:00 a.m.

GM 741, Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, ROCK B. LEY, for a term to expire 6-30-2017.

Dear Chairperson Hee and Committee Members:

I stand in support of the confirmation of Governor Abercrombie's appointment of Rock B. Ley to the labor seat on the Hawaii Labor Relations Board.

Dr. Ley is an Administrative Hearing Officer on the State of Hawaii Labor and Industrial Relations Appeal Board. He has a very interesting and diverse background beginning with his History degree from Dartmouth College, his subsequent Ph.D. in Modern Economic and Social History and doctoral research in France and Germany, culminating in a Juris Doctorate of Law.

I believe that Dr. Ley will bring a unique set of talents and skills to the responsibilities placed on the Hawaii Labor Relations Board. He is capable of understanding, articulating, and presenting in written argument the analyses and results of the Board's decisions. His current position requires a similar set of skills, writing ability and analysis. He also has a strong relationship to the labor movement; literally from the railroads of the west to working for the iconic Hawaii labor leader Art Rutledge. In many ways, Dr. Ley has built a career reflective of a man for all seasons.

I have personally known virtually all of the members of the Hawaii Labor Relations Board, and its predecessor Board, going back over thirty years. There have been some extraordinary individuals with both labor and legal backgrounds, but seldom have I seen an individual who brings both an understanding of labor, the responsibility of government, and the legal ability to analyze and make defensible decisions under the provisions of Hawaii Revised Statutes Chapter 89 that are possessed by Dr. Ley. I believe that he is a qualified candidate who warrants confirmation by Senate. He will be an advocate for the principles of public labor relations as set forth in both our Hawai'i State Constitution and Statutes.

Respectfully submitted,

J.N. Musto, Ph.D.
Executive Director

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

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THOMAS P. GILL
1922-2009

April 22, 2011

Via electronic submission

Senate Committee on Judiciary and Labor

Re: Nomination of Rock Ley, Ph.D, J.D.,
To the Hawaii Labor Relations Board
GM741 4/13/2011 9:00 a.m.

Honorable Chair and Members:

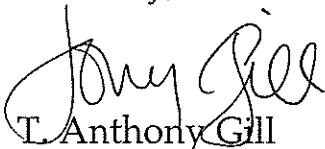
This firm has represented public sector unions and employees at the HLRB since the Board's inception in 1971. We have ancient cases bearing single digit serial numbers, whereas they are now up to half a thousand. I personally began working on Board issues in 1978 as a law clerk, and the bulk of my practice for thirty years has involved the Board. During that time I believe I've argued to, or studied the decisions of, most of the Board members who have ever served. If I missed one, it surely wasn't for lack of enthusiasm for filing cases!

In my judgment, Rock Ley possesses the judicial temperament, the character, the maturity, and the scholarly attainment, to be counted in the first rank of all those Board members.

The Board lives through its decisional law, which is mostly written. The Board needs a writer and thinker who can locate arguments and doctrines in the flow of social and labor history; in Hawaii, those two are greatly overlapped. The Board also needs someone with the intellectual energy to help move cases forward to written decision, quickly enough that the Board can fulfill its statutory role. Rock Ley can serve in these ways.

You will rarely have the chance to confirm someone as talented. I urge you to confirm this appointment with enthusiasm.

Sincerely,



T. Anthony Gill
TAG:se

RONALD Y. AMEMIYA
ATTORNEY AT LAW

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Honolulu, HI 96813
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April 11, 2011

Hon. Clayton Hee, Chair
Judiciary and Labor Committee
Room 407 - State Capitol
Honolulu, Hawai'i 96813

Re: **Governor's Message No. 741 - Rock B. Ley**

Dear Chair Hee and Members:

Please accept my wholehearted support for the Governor's appointment of Rock B. Ley to be the labor member of the Hawaii Labor Relations Board.

I have known Mr. Ley for many years. He is a man of utmost integrity and character and will always strive to do what is right and what is in the best interest of the people of Hawai'i.

As his resume amply demonstrates, he has an impressive educational background that even extends to Europe where he was a faculty member of Universite de Caen in France where he taught English as a second language and American history. His Ph.D in Modern Economic and Social History from John Hopkins University, B.A in History from Dartmouth College, and J.D. degree from Southwestern School of Law combine to give him a firm educational foundation to serve on the board. His practical law background which he has developed at the Labor and Industrial Relations Board, private practice, an insurance company, and in France will also serve him well on the board. To complement the above, he has worked as an assistant to Art Rutledge, one of the giants of the labor movement in Hawaii, a railway switchman/brakeman, mail and baggage handler, and, grocery clerk to give him an appreciation of hard work.

He will serve the people of Hawaii well.

Sincerely,



Ronald Y. Amemiya

Radcliffe & Associates, LLC

222 South Vineyard Street, Suite 401, Honolulu, HI 96813-2453 Phone (808) 524-4459 Fax (808) 599-4340

April 11, 2011

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 016

RE: GM741 Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, ROCK B. LEY, for a term to expire 6-30-2017.

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

I strongly support the nomination of Rock Ley to the Hawaii Labor Relations Board. An outstanding labor attorney, with a strong background in disability, workers compensation, and human resources law, he will bring a deep understanding of the law to the Board. Mr. Ley is very capable, and an extremely good choice by the Governor.

Thank you for the opportunity to submit written comments.

Sincerely,

John H. Radcliffe

Senator Clayton Hee, Chair
Senate Committee on Labor and Judiciary

Lily O.C. Ling, Executive Officer
Labor and Industrial Relations Appeals Board (LIRAB)
830 Punchbowl Street, Rm. 404
Honolulu, HI 96813
Tel. No. (808) 586-8600

Wednesday, April 13, 2011

Support for G.M. 741, Relating to Nomination of Rock B. Ley to the Hawaii Labor Relations Board

The mission of the Hawaii Labor Relations Board (“HLRB”) is to: (1) balance the collective bargaining rights of employees and unions with the rights of employers to manage its business and operations and resolve labor disputes in accordance with Chapters 89 and 377 of the Hawaii Revised Statutes; and (2) ensure a safe and healthful occupational environment for workers in accordance with Chapter 396 of the Hawaii Revised Statutes.

To balance the interests of labor and management, HLRB needs board members who are fair and principled, who have experience working with both labor and management, and who have the temperament and legal intellect to facilitate settlement of disputes and render sound legal decisions.

Early in his career, Mr. Ley worked in blue collar jobs in unionized industries. He later became an adjunct college instructor and lecturer and then an independent real estate broker. He also spent many years as a government labor attorney for the State of Hawaii before entering private practice in workers’ compensation law. For the last two and a half years, Mr. Ley served as an impartial hearings officer for the Labor and Industrial Relations Appeals Board (“LIRAB”).

As the current Executive Officer for LIRAB, I have had the privilege of working with Mr. Ley for the past two and a half years. I also served with Mr. Ley on the Board of the Government Lawyers Section of the Hawaii State Bar Association from 2009 to 2010.

In my assessment, Mr. Ley meets the qualifications to serve and is prepared to apply his adjudicatory experience as a hearings officer and aptitude for the law to all matters before HLRB. At LIRAB, Mr. Ley has demonstrated an ability to facilitate resolution of legal disputes, draft sound legal opinions and decisions, and conduct contested case hearings fairly and efficiently. Throughout his tenure at LIRAB, Mr. Ley has conducted himself with uncompromising integrity and high ethical standards.

In addition, Mr. Ley is blessed with the gifts of empathy and humility. From the janitorial staff to the most difficult of litigants, Mr. Ley treats others with courtesy and respect.

LIRAB would prefer not to lose such a valuable member of its legal team; however, LIRAB's loss would be HLRB's gain.

I urge the committee to approve the nomination of Rock B. Ley to the HLRB.

TESTIMONY

James B. Walfish
Consulting Structural Engineer
1704 Mikahala Way
Honolulu, Hawaii 96816
(808)-737-0141

Senator Les Ihara

Date: April 11, 2011

Subject: Testimony in behalf of Rock Ley for Hawaii Labor
Relations Board

Dear Senator Ihara:

Please accept this testimony in behalf of Rock Ley for a
position on the Labor Relations Board.

Mr. Ley in my relationship with him over the past six
years has demonstrated the finest character, honesty and a
keen and curious intellect.

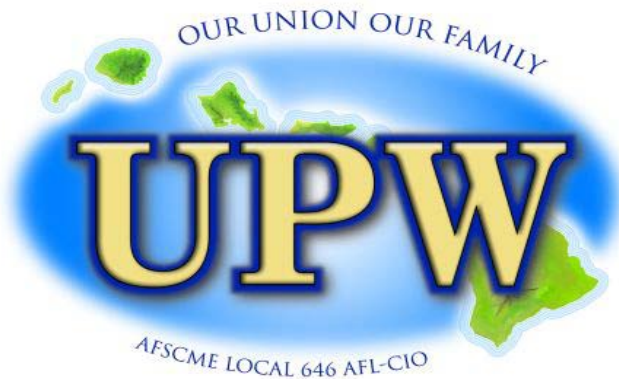
He also has become a very good friend.

He, in my opinion would be an outstanding member of the
Board.

Respectfully submitted,

A handwritten signature in black ink that reads "James B. Walfish". The signature is written in a cursive style with a large initial "J" and a distinct "B".

James B. Walfish



**SENATE COMMITTEE ON JUDICIARY AND LABOR
Date of Confirmation Hearing April 13, 2011**

**DAYTON M. NAKANELUA, STATE DIRECTOR
UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO**

**Testimony in Support of GM 741, Relating to the Consideration and
Confirmation of ROCK B. LEY to the
Hawaii Labor Relations Board**

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for public employees in bargaining Unit 1 blue collar non-supervisory and Unit 10 institutional, health and correctional facilities.

The UPW is in favor of the confirmation of Rock B. Ley to the Hawaii Labor Relations Board. Dr. Ley is an Administrative Hearing Officer on the State of Hawaii Labor and Industrial Relations Appeal Board. He also has an extensive background in employment and labor law as a practicing attorney for many years.

I am confident that his experience combined with his unique skill set will make him invaluable to the Board. Dr. Ley is able to understand and articulate the law, which he has demonstrated while serving on the Appeals Board. Rarely can you find an individual that has both the labor and legal background that is vital for this position.

After your full consideration of Mr. Ley's background, character, experience and qualifications, I ask that the Committee on Judiciary and Labor find Rock B. Ley qualified and recommends that the State Senate advise and consent his nomination.

April 11, 2011

The Honorable Clayton Hee
Chairman, Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, HI 96813

RE: **GM 741 – Testimony in Support of the Appointment of Rock B. Ley to the
Hawai'i Labor Relations Board**

Dear Chairman Hee, Vice Chair Shimabukuro, and Members of the Committee:

I testify in strong support of Governor Abercrombie's appointment of Rock B. Ley to the Hawai'i Labor Relations Board.

I am a member of the Labor Appeals Board, a sister agency in the Department of Labor, where I have known Rock Ley for a number of years, at least since my own appointment to the Labor Appeals Board in 2006. Rock represented clients in workers' compensation appeals before the Board. His performance so impressed the Board that we eventually hired him as a hearings officer.

I count it a distinct privilege to work with Rock. As our hearings officer Rock has conducted many initial conferences, settlement conferences, and hearings. He has drafted numerous proposed decisions and orders. His work is characterized by extraordinary competence and remarkable care.

He is a fine lawyer and a fair and impartial adjudicator. Beyond that, he is a true gentleman and brings a spirit of *aloha* to the workplace. He has the interpersonal skills, temperament, judicial demeanor, and the legal knowledge to do an outstanding job as the newest member of the Hawai'i Labor Relations Board.

It is with a mixture of emotions that I support Rock's appointment to the Labor Relations Board, because our own Board will lose a key part of our team and a true member of our *Ohana*. But we take comfort in knowing he will make a fine addition to our sister agency, the Hawai'i Labor Relations Board. I strongly support his appointment and confirmation.

Very truly yours,

/s/

David A. Pendleton, Esq.
Member, Labor and Industrial Relations Appeals Board