



February 10, 2011

The Honorable Karl Rhoads, Chair
Committee on Labor & Public Employment
and
The Honorable Henry J.C. Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
The Twenty Sixth Legislature
Regular Session of 2011

Dear Chair Rhoads, Chair Aquino, and Members:

Re: In Support of HB 1406 Relating to Collective Bargaining

The Hawaiian Lifeguard Association (HLA) is the non-profit organization that represents the 400 professional ocean lifeguards employed by the four counties in the State of Hawaii.

The mission of the HLA is to promote the advancement of professional ocean lifesaving and to reduce drowning in the ocean surrounding our island state.

The HLA accomplishes this mission through fundraising, educational programs, and by partnering with government agencies in delivering the statewide Junior Lifeguard Program.

The HLA strongly supports HB 1406. The Legislation would create a new bargaining unit in HRS Chapter 89 that would recognize the specialized nature of work and training and the essentiality of job functions of Water Safety Officers in the State of Hawaii.

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Hawaiian Lifeguard Association
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This organizational placement means that Ocean/Water Safety Officers are considered public safety emergency responders for all purposes except Collective Bargaining.

Ocean lifeguards are organizationally assigned to Fire and Emergency Services Departments with the exception of Maui County which anticipates their transfer to the Maui County Fire Department in 2012. They have been declared essential employees by the HLRB. They are required to report for duty when there are island wide emergencies. They have specialized skills and training which is mandatory to retain their employment. They are subject to mandatory and random drug and alcohol testing. They have been recognized by the ERS as Public Safety personnel for retirement purposes. They are dispatched to emergencies via "911". They have been placed in a separate class within BU 03 and 04 and designated as Health, Safety, Public Trust employees in the contract. Perhaps most importantly they routinely risk their own personal safety for others.

To be held accountable as public safety officials for all purposes other than their terms and conditions of employment has led to a feeling that no matter how much good they do, no matter how hard they try they will be subject to the tyranny of the majority (BU03 13,000 members, BU04 600 members) when it comes to their compensation.

The most recent and glaring example took place this year when Ocean/Water Safety Officers in each county were treated differently from each other and all other members of their assigned Bargaining Unit when it came to the employers management of their compensation.

It is difficult to express the how our ocean lifeguards feel when they are doing highly dangerous rescue work alongside another employee from another Bargaining Unit and they are compensated significantly less due to the Bargaining Unit to which they were assigned in 1970.

**HB 1404 RELATING TO COLLECTIVE BARGAINING
THE TWENTY-SIXTH LEGISLATIVE SESSION
REGULAR SESSION OF 2011**

	Specialized Training and Certification In Life Safety	HLRB Essential job function designation	Dispatched via 911 to life safety emergencies	Mandatory Activation as Emergency Responders in Major Disasters	ERS Public Safety Retirement Designation	Mandatory Random Drug and Alcohol Testing	Public Safety Bargaining Unit HRS 89
POLICE OFFICER	Yes	Yes	Yes	Yes	Yes	Yes	Yes
FIREFIGHTER	Yes	Yes	Yes	Yes	Yes	Yes	Yes
EMT	Yes	Yes	Yes	Yes	Yes	Yes	No
OCEAN / WATER SAFETY OFFICER	Yes	Yes	Yes	Yes	Yes	Yes	No
WHITE COLLAR NON-SUPERVISORY SUPERVISORY	No	Some	No	Some	No	No	No

From: Monty Downs, M.D.,
President Kaua'i Lifeguard Association &
E.R. Physician
Wilcox Hospital, Lihue, Kaua'i

To: House Committee on Labor and Public employment
Representative Kurt Rhoads, Chair

And

House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair

Testimony in support of HB 1406
Hearing on 2/11/11, 11 a.m.

Dear Chairmen Rhoads and Aquino and Committee Members:

I am strongly in support of this bill, which would create HGEA Bargaining Unit 14 to include Water Safety Officers (a.k.a. WSO's, Lifeguards) and City and County of Honolulu EMS personnel.

My testimony is directed to the WSO aspect of this Bill, since I am not familiar with the EMS personnel and issues. There are approximately 320 WSO's Statewide, and (except for some Supervisor positions) they are all in HGEA Unit 3. The problem is that they are in Unit 3 along with approximately 15,000 white collar non-supervisors (i.e. mostly office clerks - many of whom, by the way, I know well and they are wonderful people). What makes this a problem is that the WSO's often do not feel that their Union Agents are focused in on them and working for their needs and interests. I don't particularly blame the Agents themselves, since it's only natural that 98% of their attention will be on the 98% of their clerk members and not on a 2% side group that somehow happens to be in the Unit.

This was never more apparent than during the furlough/pay-cut policies that were enacted on July 2010. One County's WSO's got no pay-cut or furlough; another County got one day/week furlough; and 2 Counties got a 5% pay-cut, with a token carrot of 5 "administrative days" per year. How can a Union supposedly representing WSO's around the State have let this happen? How, after this, can WSO's feel that their interests are being watched over, and defended by, their union agents?

The awkward "marriage" between WSO's took place, I believe, back in the 1970's, when there were but a few Lifeguards. As I understand it, no one quite knew where to place these Lifeguards and someone quite randomly said "Unit 3" and Unit 3 it is.

The Lifeguard profession has greatly evolved since then, both in numbers and in job description. In the 1970's I think you could say that a typical Lifeguard would show up at his Tower with a lunch box and sit in "his orange office" for the day watching the beach in front of him. It made for some very picturesque paintings. Now the WSO's with their waterproof hand-held radios are an integral part of 911/Dispatch and they cover our beaches island-wide (as best they possibly can) with ATV's and Jet-skis. I won't belabor the hazardous conditions that they hurls themselves into and the bruises they come back home with after pounding their way up a trade-wind coastline on a sled that's pulled behind a screaming Jet-ski, but I think it's fair to say that their outdoor hazard working conditions are more comparable to Police and Fire officers than they are to office clerks.

Regarding this Jet-ski situation: Getting the current Union to support things like hazard pay for our Jet-ski operators has been a huge struggle. Again, because the Union Agents have so many other issues on their plate, getting them to focus in on an issue like this is very difficult.

Other examples of ways in which WSO's have become distanced from the issues involved with other Unit 3 personnel is that WSO's are subject to mandatory drug testing, and they have to pass agility testing annually. ("Agility testing" is really a euphemism for some quite-stringent athletic requirements. I have seen some well-conditioned men and women be challenged by these.)

On Kauai alone our Lifeguards documented 300+ rescues in 2010 and we suffered 6 ocean drownings (we have too many unguarded and remote beaches). Without these rescues our visitor industry would be a world-wide disgrace and it would be in shambles. "Essential public safety worker" is a phrase that describes our WSO's, and they deserve Union support analogous to the support that SHOPO and Firefighters' Union give their personnel. Being an ER doctor and seeing both the drowning victims (and acutely bereaved families) come in, as well as the rescued near-victims (and tearfully-elated families) come in, I am understandably a #1 fan of Lifeguards! It is an honor and a privilege for me to find ways to support them.

Bargaining Unit 14 for WSO's has been a dream for many for a long time. Please pass HB 1406 and make this dream into a reality.

Respectfully,



Monty Downs

FROM: Jim Jung
5875A Lokelani Rd
Kapa'a, HI 96746
808-822-0448

TO: Committee on Public Safety & Military Affairs

DATE: 9 February 2011

RE: HB 1406

PROUD OF OUR KAUAI LIFEGUARDS

Many think that lifeguarding is a glamorous job, sitting in towers and watching beachgoers turn red and brown. Nothing could be further from the truth. They are a dedicated group of county employees who must maintain physical fitness, lifesaving and medical skills and successfully pass rigorous physical tests to keep their jobs.

As Vice President of the Kauai Lifeguard Association, I have reviewed their documented statistical data for the years 2009 through 2010 and want to share them with you. Did you know that our Kauai lifeguards (Ocean Safety Officers) had contacts with 311,002 members of the beach going public during the past two years? Did you know that they administered first aid to 6,339 beachgoers? Did you know that they engaged in 164,826 drowning preventions? Did you know that they made 602 rescues during that period. There were 8 drowning cases during that period.

Although clearly involved in "Public Safety", for union purposes, they were put in a "non-essential clerical" category with the Hawaii Government Employees Association. Consequently, they were forced to take furloughs or pay cuts. Their dedication to public safety caused them to choose pay cuts rather than leave the beaches unguarded. Thankfully, furloughs and pay cuts are over. Hopefully, a couple of bills presently before the Hawaii Legislature will change their union status by placing them in a separate union category with emergency medical responders and the other will show them respect by increasing the criminal penalty if they are assaulted during the performance of their duties the same as fire fighters and police officers.

Please join me in showing our lifeguards the respect they have earned and so richly deserve.

Jim Jung

Kapaa

From: James K. Ingham

P.O. Box 223714

Princeville, Hi 96722

To: Committee on Labor & Public Employment and
Committee on Public Safety & Military Affairs

Testimony in Support of HB 1406

February 11, 2011

Dear Chairman Karl Rhoads and Henry J. C. Aquino and all committee members,

I am in support of HB 1406, which will create new Bargaining Unit 14, and would include water safety officers and first responder personnel. At this moment water safety officers are in HGEA unit #3, along with 15,000 clerks, secretaries, and white collar non supervisors. Water safety comprises only 2% of the units' members. Recent actions make it clear this essential public safety division is being woefully misrepresented.

In June of 2010 HGEA held simultaneous meeting on Oahu, Big Island, Maui, and Kauai where they hastily had water safety officers' vote for their own pay cuts and furloughs. Instead of keeping us as a whole statewide, they broke the counties into separate deals some having no change, others with pay cuts, and still others with furloughs. This, after they had already rescinded 4% of an agreed 8% pay increase made a few years earlier. In the meantime fellow firemen and police officers, public safety servants also, saw their 30% negotiated pay increase of a few years earlier unaffected and were not subject to any pay cuts or furloughs. Is this the picture of a union working for their members of whom we pay our mandatory dues? Was it fair to slash our previous agreement in half then break up our collective by counties?

Water safety officers are in the public eye every day. They are one of the most visible aspects of tax dollars at work, representing the state and counties responsibility for the millions of tourists and residents who support our economy and visit our islands and beaches. Water safety officers perform thousands of preventions and answer millions of questions annually. The high surf conditions and rescues performed are often life threatening. The Hawaiian lifeguard response to our surf conditions and continued innovation has earned us respect worldwide.

Water safety officers are required to pass an annual physical agility tests to keep their jobs. They are subject to random drug testing. Also, exposure to hazardous conditions is part of their job descriptions. No other unit #3 members are required to step up to these conditions. Lifeguard training and equipment has come a long way. The use of Jet skis in our islands very high surf has saved hundreds of lives as an example. But hazard pay and use of specialized equipment has been left out of negotiations.

Water safety officers are essential public safety personnel in the same light as Fireman and Police Officers. They deserve fair representation from their union. It is time that water safety officers and first responders have their own bargaining unit. Please help make Unit 14 a reality and support these essential public servants. They've earned it.

Sincerely,

James King Ingham III

From: Kalani Vierra

P.O. Box 266

Kōloa, HI 96756

To: Committee On Labor & Public Employment And

Committee On Public Safety & Military Affairs

Testimony In Support Of HB 1406

February 11, 2011

Dear Chairman Karl Rhoads and Henry J. C. Aquino and all Committee Members,

I strongly support HB 1406, which will create a new Bargaining Unit 14 to include water safety officers and first responder personnel.

Currently the water safety officers are in HGEA unit #3, along with approximately 15,000 white collar non supervisors. Water safety officers make up about 2% of the HGEA unit #3, which mostly consists of office clerks.

Recently back in June 2010 all Counties had to make some decisions about pay cuts or furloughs. The Big Island Fire department and the Kaua'i Fire department both manage the water safety officers. They both had a 5% reduction in pay with a 5 administrative paid days off. Maui County water safety officers, manage by Parks & Recreation were given a 1 day furlough a month. And the City and County of Honolulu had no pay cuts or furloughs. A union should be treating all water safety officers fairly. Is this an example of union agents working hard for their members? Was this fair?

The water safety officers (beach lifeguards) are required to pass an annual agility test to keep their positions. They must pass a 1000 yard run/1000 yard swim under 25 minutes, a 500 yard pool swim under 10 mins. A 500 yard paddle board under 5 mins, and a 100/100/100 run, swim, run under 3 mins. They are also subject to a random alcohol/drug screening test. And on most water safety officers position description it states: exposed to hazardous conditions. None of the other unit #3 members are required to these requirements for their job positions.

The lifeguard service is much more professional now than before. There are a higher level of training, and advanced technology in rescue equipment. Hundreds of people are being warned of any potential hazards or even being rescued around the state every day. The lifeguards put their lives on the line to save others, making our beautiful State of Hawai'i a safer destination

for our visitors and local residents as well. We feel that we are essential public safety officials just like Fire Fighters and Police Officers.

Please consider passing HB 1406, so the water safety officers and first responders have their own bargaining unit. They deserve fair negotiations for hazardous wages and using specialized equipment. Help make Unit 14 a reality and put these public safety officials where they belong, similar to Police Officers and SHOPO, and Fire Fighters and FFA.

Respectfully,

Kalani Vierra

LATE

From: Greg Stutzer
P.O. Box 1211
Kilauea, HI 96754

February 11, 2011

To: Committee On Labor & Public Employment; Committee On Public Safety & Military Affairs
Re: Testimony In Support Of HB 1406

Dear Chairmen Karl Rhoads, Henry J. C. Aquino, and all Committee Members,

I strongly support HB 1406, which will create a new Bargaining Unit (Unit 14) within the Hawaii Government Employees Association (HGEA) to include Water Safety Officers (WSO's) and other first responder personnel.

Currently water safety officers belong to unit #3 within the HGEA, along with approximately 15,000 other employees categorized as "non-essential clerical" by the Union. Water Safety Officers comprise roughly 2% of HGEA unit #3. In the recent past we feel this has precluded us from obtaining fair and equitable representation by this union, relative to other essential civil service workers (e.g. Fire, Paramedic, and Police).

A prime example of this occurred as recently as June 2010 when all Counties faced difficult decisions to choose pay cuts or furloughs for Water Safety Officers. Big Island and the Kaua'i WSO's (both managed by their County Fire Depts.) had a 5% reduction in pay with five paid administrative days off. Maui County WSO's, managed by Parks & Recreation were furloughed one-day per month, while Lifeguards managed by the City and County of Honolulu received no pay cuts or furloughs. The union representation of WSO's managed by different government agencies led to inequitable representation of Hawaii's Lifeguards. As a Kauai's WSO, I was forced to choose between being furloughed two days each month (creating a potential for tower closures) or taking a 5% pay reduction. My fellow Lifeguards and myself choose the 5% pay cut rather than to leave the beaches unguarded.

While I understand the importance of clerical staff to government and respect the work these people perform, I do not feel it is appropriate for WSO's to be categorized as "non-essential clerical" employees and be forced to share union representation as such a small minority of the HGEA Unit 3 membership. If they miss work, nobody drowns. We should belong to a separate union unit that represents us as the "essential public safety" employees inherently pursuant to our training, dedication, and record.

We feel that we are essential public safety officials just like Firemen and Police Officers.

Please consider passing HB 1406, so that the water safety officers and first responders have their own bargaining unit. Help make Unit 14 a reality and allow Water Safety Officers to receive the same unique representation as other essential public safety officials, such as Police officers (SHOPO), and Firefighters (FFA).

Respectfully,

Gregory M. Stutzer, WSO | Kaua'i County

yamashita1-----Kristen

From: Jeff Maddox [jhoytmaddox.lg10@gmail.com]
Sent: Thursday, February 10, 2011 9:42 PM
To: LABtestimony
Subject: HB1406 testimony

From: Jeff Maddox

February 11, 2011

P.O. Box 1409
Hanalei, HI 96714

To: Committee On Labor & Public Employment; Committee On Public Safety & Military Affairs
Re: Testimony In Support Of HB 1406

Dear Chairmen Karl Rhoads, Henry J. C. Aquino, and all Committee Members,

I strongly support HB 1406, which will create a new Bargaining Unit (Unit 14) within the Hawaii Government Employees Association (HGEA) to include Water Safety Officers (WSO's) and other first responder personnel.

Currently water safety officers belong to unit #3 within the HGEA, along with approximately 15,000 other employees categorized as "non-essential clerical" by the Union. Water Safety Officers comprise roughly 2% of HGEA unit #3. In the recent past we feel this has precluded us from obtaining fair and equitable representation by this union, relative to other essential civil service workers (e.g. Fire, Paramedic, and Police).

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While I understand the importance of clerical staff to government and respect the work these people perform, I do not feel it is appropriate for WSO's to be categorized as "non-essential clerical" employees and be forced to share union representation as such a small minority of the HGEA Unit 3 membership. If they miss work, nobody drowns. We should belong to a separate union unit that represents us as the "essential public safety" employees inherently pursuant to our training, dedication, and record.

We feel that we are essential public safety officials just like Firemen and Police Officers.

Please consider passing HB 1406, so that the water safety officers and first responders have their own bargaining unit. Help make Unit 14 a reality and allow Water Safety Officers to receive the same

unique representation as other essential public safety officials, such as Police officers (SHOPO), and Firefighters (FFA).

Respectfully,

Jeff Maddox, WSO II Kaua'i County

jhoytmaddox.lg10@gmail.com

Kaao Lopez
P.O. Box 510225
Kealia, Hi 96751

LATE
February 11, 2011

To: Committee On Labor & Public Employment: Committee on Public Safety & Military Affairs

Testimony in Support of HB 1406

Dear Chairmen Karl Rhoads, Henry J.C. Aquino, and all Committee Members,

My name is Kaao Lopez and I am a strong supporter of HB 1406, which will create a new Bargaining Unit #14 within the HGEA to include Water Safety Officers and other first responder personnel.

As of right now, Water Safety Officers belong to Unit #3 within the HGEA and merely make up 2% of the unit which is categorized as "non-essential clerical" by the Union. Although we respect and appreciate all of what the clerical workers do, we feel that by being a part of this Union, that we are being misrepresented as "non-essential clerical" rather than essential public safety officials. Water Safety Officers are very much essential to keeping the public safe. We have a great responsibility of making sure that all of the public on all of the beaches of Hawaii are safe by either preventions or rescues themselves. We risk our lives for others just as the Firemen and Police Officers do. For example, in the fall of 2004, a helicopter crashed in the ocean off of Ha'ena Beach, lifeguards responded to the scene first and I personally had to dive approximately 45 feet to retrieve a victim from the helicopter. Obviously, clerical workers do not encounter situations like this on their jobs nor are they required to perform such hazardous tasks.

Water Safety Officers or lifeguards, have come a long way from the "Beach Boys" days. We are much more advanced physically and technically; professional all the way around. Water Safety Officers are required to pass an annual agility test to keep our positions. We must pass a 1000 yard run, a 1000 yard swim under 25 minutes, a 500 yard pool swim under 10 minutes, a 500 yard paddle board under 5 minutes and a 100/100/100 run, swim, run under 3 minutes. We are also subject to a random alcohol/drug screening test. The equipment that we use are top of the line and require special training and annual certification to operate, similar to the Firemen and Police Officers. The similarities between the departments cannot be ignored, which is why we should be in the same bargaining unit.

Water Safety Officers do not fit in Unit #3 along with clerical workers and we are also not being treated fairly by the Union. A prime example of this was in June of 2010 when all counties of Hawaii had to make a decision about pay cuts or furloughs. The Big Island and the Kaua'i Fire Departments which both manage the Water Safety Officers, had a 5% reduction in pay with 5 administrative paid days off. Maui County Water Safety Officers, managed by Parks & Recreation were given a 1 day furlough a month. And the County of Honolulu had no pay cuts or furloughs. Again, it goes without saying that the Union is not treating all of us Water Safety Officers fairly.

Please consider passing HB 1406 so that all first responders, including Water Safety Officers, have their own bargaining unit. Please help us to make Unit 14 a reality so that we may have a fair representation just as the other essential public safety officials.

Sincerely,

Kaao Lopez
WSO2 North Shore Rescue Craft Operator for County of Kaua'i

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 6:59 PM
To: LABtestimony
Cc: archie@c4waterman.com
Subject: Testimony for HB1406 on 2/11/2011 11:00:00 AM

Testimony for LAB/PBM 2/11/2011 11:00:00 AM HB1406

Conference room: 309
Testifier position:
Testifier will be present: No
Submitted by: archie Kalepa
Organization: Individual
Address:
Phone:
E-mail: archie@c4waterman.com
Submitted on: 2/10/2011

Comments:

My name is Archie Kalepa and have been working for Water Safety for many years and recognize the fact that a new bargaining unit 14 needs to be created to meet and represent the Public safety sectors with in the State. I could give many reasons of why this would benefit the mass of employes that are connected to Public Safety, but I will just say it needs to pass. A lot of us will feel supported with a bargaining unit that that can support the structure.

From: chris pico [surfnapali@gmail.com]
Sent: Thursday, February 10, 2011 11:12 PM
To: LABtestimony
Subject: HB1406

Chris Pico
Water Safety Officer II
Pobox 1250
Hanalei Hi 96714

Dear Mr. Karl Rhoads and all Committee members, I humbly ask for yor consideration with HB 1406, Having worked for nearly 10 years on the North Shore of Kauai as a county Lifeguard. I have had the pleasure to work with some of kauais finest professionals, on many ocaasion and at times have been greatly challanged both physicaly and mentaly. The County Lifeguards now not only respond to ocean rescues, but have also responded to injured hikers, automobile accidents, helecopter crashes and even river rescues, now I'm not sure what it's gonna take for the lifeguards to be deemed essential but I sure hope this helps.

Respectfully yours,
WSO II Chris Pico

guards