

LATE



DELTA
CONSTRUCTION
CORPORATION

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March 14, 2011

TO: THE HONORABLE SENATOR ROSALYN BAKER, CHAIR AND
MEMBERS OF THE COMMITTEE ON COMMERCE AND CONSUMER
PROTECTION

SUBJECT: H.B. 1434, HD2 RELATING TO PUBLIC WORK PROJECTS.

NOTICE OF HEARING

DATE: Tuesday, March 15, 2011
TIME: 9:00a.m.
PLACE: Conference Room 229

Dear Chair Baker and Members of the Committee,

Delta Construction Corporation **strongly opposes** the passage of H.B. 1434, HD2.

We agree that the prevailing wage should always be paid when applicable and no contractor should be allowed to skirt the law. However, the proposed change in the law is unfair to the contractor who has numerous public works jobs going on at the same time. If an employee of that contractor works on three projects and he or she is not paid the correct amount, the contractor has had no notice or opportunity to correct the violation before he may be subject to suspension from doing any new public works projects for a period of three years.

Another problem with this bill is that it does not provide for any procedure for the contractor found in violation of the prevailing wage provision to appeal the decision of the hearings officer.

We believe the real problem is the lengthy process for conducting and completing the investigation once the alleged violation has been reported. We would support additional staffing and funding, subject to State budget constraints of course, for the, Department of Labor and Industrial Relations to speed up investigations to enforce the prevailing wage provisions already provided in the law.

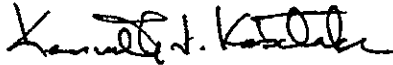
Delta Construction Corporation **strongly opposes** the passage of H.B. 1434, HD2 and requests that this bill not be passed.

The Honorable Senator Rosalyn Baker, Chair
and Members of the Committee on Commerce
and Consumer Protection
March 14, 2011
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Thank you for considering our concerns on the above measure.

Very truly yours,

DELTA CONSTRUCTION CORPORATION,



By KENNETH J. KOBATAKE
President

KJK:lm



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March 14, 2011

To: THE HONORABLE SENATOR ROSALYN H. BAKER, CHAIR AND MEMBERS
OF THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SUBJECT: H.B. 1434, HD2 RELATING TO PUBLIC WORK PROJECTS.

NOTICE OF HEARING

DATE: Tuesday, March 15, 2011
TIME: 9:00a.m.
PLACE: Conference Room 229

Dear Chair Baker and Members of the Committee,

Dorvin D. Leis Co., Inc. strongly opposes the passage of H.B. 1434, HD2.

We agree that the prevailing wage should always be paid when applicable and no contractor should be allowed to skirt the law. However, the proposed change in the law is unfair to the contractor who has numerous public works jobs going on at the same time. If an employee of that contractor works on three projects and he or she is not paid the correct amount, the contractor has had no notice or opportunity to correct the violation before he may be subject to suspension from doing any new public works projects for a period of three years.

Another problem with this bill is that it does not provide for any procedure for the contractor found in violation of the prevailing wage provision to appeal the decision of the hearings officer.

We believe the real problem is the lengthy process for conducting and completing the investigation once the alleged violation has been reported. We would support additional staffing and funding, subject to State budget constraints of course, for the Department of Labor and Industrial Relations to speed up investigations to enforce the prevailing wage provisions already provided in the law.

Dorvin D. Leis Co., Inc. strongly opposes the passage of H.B. 1434, HD2 and requests that this bill not be passed.

Thank you for considering our concerns on the above measure.

Dorvin D. Leis,
Chairman

Stephen T. Leis,
President

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International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003
 TELEPHONE (808) 847-5341 • FAX (808) 847-2224

HB1434 HD2: RELATING TO PUBLIC WORKS PROJECTS

TO: SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
 VIA FAX: 586-6659

For Hearing on Tuesday, March 15, 2011, at 9:00 a.m., in Conference Room 229

RE: TESTIMONY IN STRONG SUPPORT OF HB 1434 HD2

Honorable Chair Baker, Vice Chair Taniguchi, and Committee members,

The International Brotherhood of Electrical Workers Local Union 1186 represents over 3,200 members working in electrical construction, telecommunications, and with Oceanic Cable. Our members include civil service employees at Pearl Harbor, Kaneohe, Hickam, and at every military installation in Hawaii. IBEW Local 1186 also represents over 110 signatory electrical contracting companies that perform most of the electrical work in the state.

We strongly support HB 1434 HD2, which clarifies that contractors shall be issued a separate state labor Notice of Violation (NOV) for each government construction project where the Department of Labor has found the contractor in violation of the state's Chapter 104 prevailing wage labor laws governing public works projects.

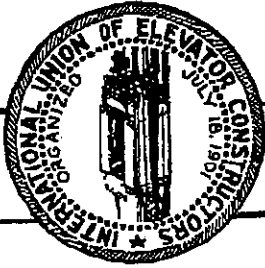
Repeat offenders that rack up three Dept. of Labor *Notices of Violations* within a two-year period face debarment from future government work for three years, but each of an offender's previous NOV violations lapses from their "three-strike" debarment count after two years. In practice, it has been very difficult for repeat offenders, or any contractor, to accumulate even two strikes, much less the three strikes in two years needed to be debarred.

Since each state prevailing wage labor investigation can take over one to two years, repeat offenders have learned they can stall and take advantage by running the clock out on the two-year window requirement for closing investigations and getting cited for all three-strikes needed for debarment – even after committing multiple prevailing wage offenses involving different types of prevailing wage laws, over a long period of time, and at multiple projects.

We urge the Senate Commerce and Consumer Protection Committee to safeguard working people, make repeat offenders finally take prevailing wage laws seriously, and protect honest contractors, by leveling the playing field and passing HB1434 HD2. Thank you for providing us with this opportunity to submit testimony.

Mahalo and aloha.

Damien Kim
 Business Manager – Financial Secretary
 International Brotherhood of
 Electrical Workers, Local Union 1186



LOCAL UNION NO. 126

OF THE

International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

SUITE 314, 707 ALAKEA STREET • HONOLULU, HI 96813 • TELEPHONE (808) 536-8853 • FAX (808) 537-3779

VIA FAX: 586- 6659

To: Senate Committee on Commerce and Consumer Protection

Re: Testimony in support of HB 1434 HD2

Honorable Chair Baker, Vice-Chair Taniguchi and members of the committee, the International Union of Elevator Constructor's Local 126 urge support for HB 1434 HD2 in insure that any and all contractors performing public work projects will abide by the Hawaii State Chapter 104 prevailing wage laws.

Thank you for the opportunity to introduce this testimony in behalf of the International Union of Elevator Constructor's Local 126 and as member of the Hawaii Building Trades Council.

Mahalo,

**Thaddeus Tomei, Business Rep.
IUEC Local 126**