



**TESTIMONY OF MARION M. HIGA, STATE AUDITOR,
ON HOUSE BILL NO. 385, RELATING TO COLLECTIVE BARGAINING**

House Committee on Labor & Public Employment

January 28, 2011

Chair Rhoads and Members of the Committee:

Thank you for this opportunity to express my concerns about certain sections of this bill. The bill would authorize nonsupervisory employees of the legislative branch to unionize through the card check and expedited bargaining process.

I have two concerns about this bill: (1) In establishing a new collective bargaining unit, unit 14 for nonsupervisory legislative branch employees, the bill as drafted would present some definitional problems. It is not clear whether the terms "nonsupervisory" and "supervisory" are to apply structurally or functionally. In my office, supervisory functions are sometimes performed by analysts who are not identified as supervisors by our organizational chart. From project to project, the supervisory responsibilities are carried by the analyst-in-charge for the project, who might rank as a senior analyst, analyst, or even an associate analyst. Our project teams range in size from as many as six members down to a single person and supervisory responsibilities will vary sometimes with the size of the team and the nature of the audit. (2) More importantly, the bill appears to be incomplete in not addressing existing statutory provisions relating to collective bargaining, definitions of "employer," employees excluded from collective bargaining, and the various employment conditions provided for the operations of my office. If this bill proceeds, I would ask that further consideration be given to addressing those omissions.

The directors of the other legislative staff agencies share my concerns in item #2 above. We are similarly situated as agencies of the legislative branch. In analyzing the bill relative to our respective enabling statutes, they have also identified questions that come to mind. They have joined in expressing their concerns about this bill:

Robin Matsunaga, Ombudsman

Charlotte Carter-Yamauchi, Acting Director, Legislative Reference Bureau

Les Kondo, Executive Director, Ethics Commission

Thank you for allowing us to surface our initial response to the bill as drafted.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Sixth Legislature
House of Representatives
Committee on Labor & Public Employment

Testimony by
Hawaii Government Employees Association
January 28, 2011

H.B. 385 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the concept of allowing legislative employees to unionize, but opposes the creation a new bargaining unit, as proposed in H.B. 385 - Relating to Collective Bargaining.

When employees are allowed the right to share in the decision-making process affecting their working conditions, they are more responsive and better able to effectively communicate with their supervisor, which increases government efficiency and effectiveness. Therefore, HGEA strongly supports granting all employees the right to organize and to collectively bargain wages, hours, terms and conditions of employment, especially those in the public sector.

Chapter 89-6, Hawaii Revised Statutes, categorizes bargaining units for all employees throughout the State and Chapter 89-5 provides that the Hawaii Labor Relations Board (HLRB) can determine appropriate bargaining unit placement. It is our belief that legislative employees would fit within the current bargaining unit designations, but we would defer to the HLRB the task of making the bargaining unit determinations for these employees.

We appreciate the opportunity to testify in support of H.B. 385, with the suggested amendment to utilize existing bargaining units.

Respectfully submitted,

Randy Perreira
Executive Director