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April 4, 2012

TO: The Honorable Marcus Oshiro, Chair and Marilyn Lee, Vice Chair
And Members of the House Finance Committee

DATE: Thursday, April 4, 2012
TIME: 02:30 P.M.
PLACE: Conference Room 308, State Capitol

FROM: Hawaii Labor Relations Board
Department of Labor and Industrial Relations

RE: Testimony in Support of S.B. No. 2671, S.D. 1 Relating to Collective Bargaining

Aloha, my name is Sesnita Moepono and I am testifying in support of S.B. No. 2671, S.D. 1 for the Hawaii Labor Relations Board.

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. No. 2671, S.D. 1 clarifies the Hawaii Labor Relations Board's authority to hire attorneys and paralegals. The bill further authorizes attorneys hired by the Board on a part-time or contract basis to represent the Board in litigation, draft legal documents for the Board, and provide other necessary legal services to the Board.

II. CURRENT LAW

Hawaii Revised Statutes (HRS) §89-5, enables the board the discretion to appoint an executive officer, mediators, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions. This statute currently permits an attorney employed by the Board as a full-time staff member to represent the Board in litigation, draft legal documents and provide other legal services to the Board and shall not be deemed to be a deputy attorney general.

III. COMMENTS ON THE SB 2671, S.D. 1

The Board supports this bill as it will allow the Board to hire more than one attorney and employ attorneys on a part-time or contractual basis in the event the Board has any savings at the end of the fiscal year. The bill will also allow the Board to hire paralegals. This bill will assist the Board with:

- A) Drafting administrative rules to implement HRS 377-4.6 - streamlining union certification or "card check" provision passed by the legislature in 2009 and any other amendments to HRS Chapters 89 and 377 passed by the 2012 Legislature;
- B) Updating the Board's administrative rules that have not been changed since 1981;
- C) Drafting decisions and orders to reduce the backlog of cases; and
- D) Providing legal services as needed.

The Board's staff currently includes an Executive Officer who represents the Board in appeals because she is the only attorney on staff, a Secretary and a legal file clerk. From 1997 - 1999, the Board has lost three positions; two attorneys and a paralegal.

The Board hears prohibited practice complaints under HRS Chapters 89 and 377 and appeals from the Hawaii Occupational, Safety and Health Division and Board decisions and orders are drafted by the Executive Officer and Board Members when they are not in hearings. The Executive Officer also schedules the hearings and motions and drafts all hearing notices, appeals to Hawaii's Circuit Court, Intermediate Court of Appeal and Supreme Court. Unfortunately, the HLRB does not have one position that is dedicated to writing decisions and orders. On June 30, 2011, we had approximately 90 pending prohibited practice complaints and 110 HIOSH appeals. This bill will give the Board an opportunity to address its backlog and its rules.

The Board thanks you for the opportunity to testify on S.B. No. 2671, S.D. 1 and asks for your support for this bill. I would be happy to answer any questions.



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The Twenty-Sixth Legislature, State of Hawaii
House of Representatives

Committee on Finance

Testimony by
Hawaii Government Employees Association

April 4, 2012

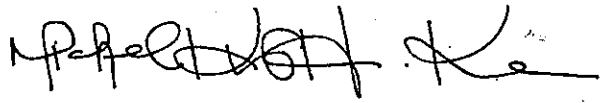
S.B. 2671, S.D. 1 – Relating to Collective Bargaining

The Hawaii Government Employees Association AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 2671, S.D. 1, which allows the Hawaii Labor Relations Board (HLRB) to hire attorneys and paralegals to represent the board in litigation, draft legal documents and provide other legal services. If enacted, we expect that S.B. 2671, S.D. 1 will help the HLRB to address significant case backlogs and therefore provide more timely decisions and achieve its goals and objectives as articulated in Section 89-1, HRS.

The HLRB plays an important part in promoting harmonious and cooperative relations between management and public employees through its administration of the state's collective bargaining law. We also note that there is no fiscal impact by this bill.

Thank you for the opportunity to testify in support of S.B. 2671, S.D. 1

Respectfully submitted,


for Randy Pereira
Executive Director