



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor

March 16, 2012

To: The Honorable Karl Rhoads, Chair, Kyle Yamashita, Vice Chair,
Members of the House Committee on Labor & Public Employment

Date: Friday, March 16, 2012
Time: 10:30 a.m.
Place: Conference Room 309, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

RE: S.B. NO. 2671 SD1 RELATING TO COLLECTIVE BARGAINING

I. OVERVIEW OF PROPOSED LEGISLATION

SB2671SD1 clarifies that the Hawaii Labor Relations Board (HLRB) has the authority to appoint attorneys and paralegals and authorizes attorneys employed by the Board to represent the Board, draft legal documents and provide other legal services for the Board.

II. COMMENTS ON THE SENATE BILL

DLIR supports this measure, as it will give the HLRB more flexibility and the ability to efficiently allocate its resources. HLRB, like many other agencies within DLIR, has encountered severe budget restraints over the last few budget cycles and has significant case backlogs. DLIR notes that the Board is also encountering challenges in promulgating administrative rules. The measure, if enacted, will strengthen the ability of the Board to accomplish its mission of deciding appeals from the Occupational Safety and Health Division and promoting the harmonious and cooperative relations between government and its employees to the benefit of the state.

The department notes that the measure does not have a fiscal impact.



House Committee on Labor & Public Employment
Friday, March 16, 2012
10:30 a.m.

SB 2671, SD1, Relating to Collective Bargaining.

Dear Chairman Rhoads and Committee Members:

On behalf of the University of Hawaii Professional Assembly (UHPA), our union supports SB 2671, SD1 to ensure that the Hawaii Labor Relations Board has the ability to employ the appropriate personnel to support the work of the agency in meeting their responsibility to ensure the rights to collective bargaining are protected and advanced. This agency must be able to effectively operate. As an administrative agency it provides the necessary vehicle for resolving labor disputes without having to increase the workload of the Circuit Courts.

UHPA notes that over the course of the last few years, there has been an increase in complex issues needing the assistance of the HLRB. These are time intensive and strain the resources of the agency meaning that justice is delayed. UHPA supports the increase of resources to the Hawaii Labor Relations Board.

UHPA urges the Committee to support SB 2671, SD1.

Respectively submitted,

A handwritten signature in black ink that reads "Kristeen Hanselman".

Kristeen Hanselman
Associate Executive Director

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Sixth Legislature, State of Hawaii
House of Representatives
Committee on Labor and Public Employment

Testimony by
Hawaii Government Employees Association
March 16, 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,

Randy Perreira
Executive Director

The Twenty-Sixth Legislature
Regular Session of 2012

HOUSE OF REPRESENTATIVES
Committee on Labor & Public Employment
Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair
State Capitol, Conference Room 309
Friday, March 16, 2012; 10:30 a.m.

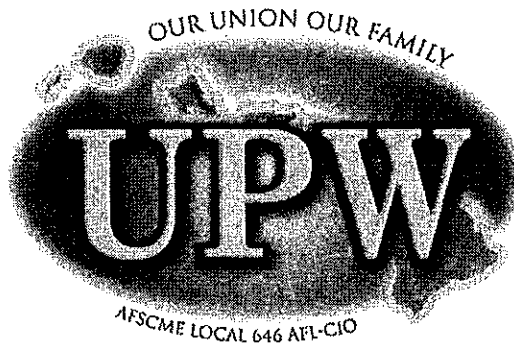
**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2671, SD1
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 supports S.B. 2671, SD1, which clarifies the Hawaii Labor Relations Board's authority to hire attorneys and paralegals and 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.

S.B. 2671, SD1 does not request any appropriation but simply asks for clarification of the Hawaii Labor Relations Board's authority to hire attorneys and paralegals and to use them for legal services required by the Board. Among those services is the drafting of administrative rules to implement laws that are passed by the Legislature. For example, in 2009, the Legislature passed a law requiring union recognition by card check of agricultural workers working for companies with \$5 million or more in revenue. To date, we understand that, although an initial draft of rules has been done, finalizing the rulemaking process has been stalled for lack of staffing needed to rework the draft, vet, and put the rules out for public hearing.

Using funds at its disposal and not requiring any additional funds, HLRB proposes to use the authority granted to it by S.B. 2671, SD1 to contract with attorneys and paralegals to assist the HLRB to accomplish its purposes as set by law. We believe this is a prudent and cost-effective use of government resources.

The ILWU urges passage of S.B. 2671, SD1. Thank you for the opportunity to offer support for this measure.



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Sixth Legislature
Regular Session of 2012

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
The Honorable Rep. Karl Rhoads, Chair
The Honorable Rep. Kyle T. Yamashita, Vice Chair

DATE OF HEARING: Friday, March 16, 2012
TIME OF HEARING: 10:30 a.m.
PLACE OF HEARING: Conference Room 309

TESTIMONY ON SB 2671 SD1 RELATING TO COLLECTIVE BARGAINING

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW supports the intent of SB 2671 SD1 that gives authority to the Hawaii Labor Relations Board to hire attorneys and paralegals. The measure also 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.

Thank you for the opportunity to testify on this measure.

yamashita2 ----Aulii

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 9:10 PM
To: LABtestimony
Cc: naloio2000@yahoo.com
Subject: Testimony for SB2671 on 3/16/2012 10:30:00 AM

Testimony for LAB 3/16/2012 10:30:00 AM SB2671

Conference room: 309
Testifier position: Support
Testifier will be present: Yes
Submitted by: Sesnita Moepono
Organization: Hawaii Labor Relations Board
E-mail: naloio2000@yahoo.com
Submitted on: 3/14/2012

Comments: