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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the House Committee on
FINANCE

Wednesday, February 20, 2013
2:00 p.m.
State Capitol, Conference Room 308

In consideration of
HOUSE BILL 1172, HOUSE DRAFT 1
RELATING TO COLLECTIVE BARGAINING

House Bill 1172, House Draft 1 proposes the creation of a new bargaining unit for first responders, including state law enforcement officers and state and county ocean safety and water safety officers. The Department of Land and Natural Resources (Department) supports this measure.

The Department believes that due to the specialized nature of the work of its Conservation and Resources Enforcement Officers, representation created by a bargaining unit as proposed by this bill would be enhanced.

The Department looks forward to further meetings with the union and other interested parties to discuss the issues raised by this proposal.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1172, H.D. 1

February 20, 2013

RELATING TO COLLECTIVE BARGAINING

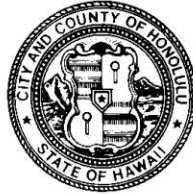
House Bill No. 1172, H.D. 1, establishes a new collective bargaining unit to represent State law enforcement officers and county ocean safety and water safety officers. The employees are currently represented by the Hawaii Government Employees Association (HGEA) as members of collective bargaining units 3 and 4 and would continue to be represented by HGEA under the terms of this bill.

The Department of Budget and Finance takes no position on this measure. While it is possible the concerns of these employees could be addressed within their current bargaining unit through supplemental agreements, it is recognized these employees would be more likely to receive enhanced pay and benefits as members of a more homogeneous public safety related bargaining unit. Both the need and impact of enhanced pay and benefits and whether or not a new bargaining unit is the most prudent route to address those needs and other needs of the employees, should be carefully weighed before passing this measure.

HONOLULU EMERGENCY SERVICES DEPARTMENT
OCEAN SAFETY AND LIFEGUARD SERVICES DIVISION
CITY AND COUNTY OF HONOLULU

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OCEAN SAFETY ADMINISTRATOR

February 19, 2013

Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair
Committee on Finance
House of Representatives
The Twenty-Seventh Legislature
Regular Session 2013
State Capitol
Honolulu Hawaii 96813

Dear Chair Luke and Members of the Finance Committee:

Re: HB 1172, HD1 Relating to Collective Bargaining

This testimony is submitted in strong support of HB 1172, HD 1

Thank you for taking the time today to hear our testimony regarding the need for the passage of HB 1172, HD 1.

My name is Jim Howe; I am a Water Safety Officer V, commonly referred to as the Operations Chief for the City and County of Honolulu's Emergency Services Department, Ocean Safety and Lifeguard Services Division. I am a member of HGEA Bargaining Unit 04.

In my capacity as Operations Chief I am responsible for the provision of ocean safety and lifeguard services for the Island of Oahu. I lead a team of 145 full time and 85 part time beach lifeguards. Our team is charged with the responsibility of acting as the primary responder to all emergencies that occur on the beaches and in the near shore waters of the Island of Oahu. Our task is significant and the consequences of failure are critical.

During my career in ocean safety, which began in 1977, there have been dramatic changes in the number and ways that people recreate in the ocean. This has led to an unending series of challenges for our group. We have experienced an ever evolving level of responsibility and have successfully met each and every one of these challenges thru a constant commitment to developing the people and systems essential to carrying out our mission.

So much has changed since 1972 when our State of Hawaii Public Employee Collective Bargaining law was enacted. Our resident population has grown from 800,000 to 960,000 and our annual visitor arrivals have grown from 2,000,000. to 7,600,000 with anticipated growth to over 8,000,000 this year. Ocean recreation has become a major part of our State economy. There are even surf reports on television today.

HB 1172 has been introduced to address a situation which has developed over the past forty years in our State. A situation where a group of employees are considered and expected to perform as public safety workers except when it comes to negotiating the terms and conditions of their employment.

Under the current law Water Safety and Ocean Safety Officers are a 400 member sub-set (identified as health, safety, public trust employees) in a 16,000 member white collar bargaining unit. HGEA Unit 03 is primarily composed of general employees who perform clerical and secretarial job functions in an office environment. The work environment, responsibilities, inherent physical hazards, and nearly every element of a work day could not be more different between Water Safety/Ocean Safety officers and the vast majority of the rest of the workers in the bargaining unit. As a consequence of this significant disparity in the number of employees in the Unit the concerns that pertain to this small sub-set of the bargaining unit employees are not addressed in any substantive fashion in the development and negotiation of the Collective Bargaining Agreement.

The effort to address this issue began in earnest about a decade ago. This was subsequent to HGEA BU 03 and 04 going on strike and all Water Safety Officers being deemed "essential" employees by the HLRB. The rift between the striking members of the BU's and those who continued to come to work crossing the picket lines had a significant impact on Water Safety Officers.

HB 1172 is the remedy which will give a voice to the concerns of our Water and Ocean Safety Officers in the State of Hawaii and a reliable method to address the unique issues that these employees face every day in their work life.

I have attached two documents for your review to highlight some of the points made in this testimony.

Thank you in advance for you time and favorable consideration.

Respectfully your,

Jim Howe
Operations Chief
Emergency Services Department
Ocean Safety Division
City and County of Honolulu
723-7867

JDH/tbm

Attachments: 3

	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



WE NEED YOUR SUPPORT FOR BILLS RELATING TO COLLECTIVE BARGAINING



Photo courtesy Vince Cavataio



These bills have received broad based community support, including all four executive administrations and all the county councils. All the state and city agencies affected support these bills. These changes would create a separate bargaining unit that more appropriately reflects the true public safety nature of their work. All County Water Safety and Ocean Safety Officers, State Sheriffs, State Harbor Patrol Officers and DOCARE Officers that are constantly responding to emergency situations support these changes.

These critical public safety employees are expected to function as essential employees during emergency situations- presently these lifeguards and law enforcement officers are not properly represented in their current collective bargaining unit. Help those who keep our islands safe.

County of Maui
County of Kauai
City and County of Honolulu

County of Hawaii
State of Hawaii Sherrifs
State of Hawaii DOCARE

State Harbor Patrol
Hawaii Life Guard Association
HGEA

Water Safety Officers; Then and Now

In support of Sb2967,SD2, Related to Collective Bargaining

1972 (HRS 89 become law)

Hawaii resident population: 800,000
Visitor arrivals: 2,000,000

The Brady Bunch film in Hawaii
Rap Replinger is on the radio
The Brothers Caz hit the big time
Summer jobs are at the Dole Cannery
Governor George Arioshi' is selling Hawaii tourism to Japan

In the ocean sports world:
Shoreline fishing is the most popular ocean recreation activity
Short boards are just being discovered

In Ocean Safety:
The Water Safety Division is in the Department of Parks and Recreation
There are 10 full time lifeguards on Oahu
Work stations are the Waikiki Natatorium,
Makaha Beach, Waimea Bay, Hanauma Bay,
Makapuu, and Ala Moana

1973 to 1991

The Viet Nam war ends
Tourism expands at an amazing rate
Sugar is no longer King as plantations close operations
Summer jobs are now at restaurants and bars
A second city becomes a necessity

In the ocean sports world:
Surf leashes, boogie boards, windsurfers, and Jet Ski's are invented
You can now make a living as a professional surfer
You can get surf reports on the radio
Surfing becomes more popular than shore line fishing

In 1980 ocean recreations generates 20 million dollars for our economy
In 1991 ocean recreation generates 105 million dollars for our economy

In ocean safety:
Law suits and judgments against the counties lead to multi million dollar settlements for
visitors injured and killed at Hawaii beaches

Drowning and cervical spinal injuries are the leading cause of accidental death for young people in Hawaii
Ocean safety services expands around the state

2010

Hawaii resident population:	1,360,000
Visitor arrivals:	7,500,000

The second City is now a reality
The outer Islands are now the Neighbor Islands
Hawaii 5-0 is back
Eco tourism is the standard and experiential tourism is the new frontier
The State is selling Hawaii tourism to China and South Korea
Summer jobs are at Jamba Juice
The Brothers Caz are now legends

In the ocean sports world:
Surf reports are on the TV news every day
Kayaks, stand up surfboards, and 1 man canoes are everywhere on the water
Surfing is the biggest ocean recreation activity for residents
The ocean sector is the 4th largest part of our State economy

In ocean safety;

In the Emergency Services Department on Oahu for a decade, 28 mobile response units and 37 beach stations daily.
Island wide responsibility including off shore waters out to 1 mile
Now on the “911” system and moving toward secondary PSAP status
Many Water Safety Officers are now EMT’s
Ocean safety becomes part of the National Incident Management System team
Kauai lifeguards have been in the fire department for a decade. Water Safety Officers co respond with Fire Fighters but have a totally different pay scale and work rules.
Big Island lifeguards are in the fire department, none of the Water Safety Officers are considered Fire Fighters
Maui lifeguards are planning a move to the fire department but none of the Water Safety Officers are considered Firefighters.

What has not changed, Water Safety Officers are still a part of BU 03 when it comes to negotiating terms and conditions of employment with all of the office workers around the State.

Our “office” is a demanding and unforgiving place.

No matter the ocean conditions, the weather, the hazards, or the emergency; water safety and ocean safety officers around the state are there to ensure our beaches and ocean waters are safe for all.

TESTIMONY ON HOUSE BILL 1172
RELATING TO COLLECTIVE BARGAINING

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Aaron Ling Johanson, Vice Chair

Wednesday, February 20, 2013; 3:30 pm
State Capitol, Conference Room 308

Chair Luke and Members of the Committees:

I would like to take this opportunity to request for your strong support of HB 1172 which would create a bargaining unit 14 to represent state law enforcement officers and Water Safety Officers.

State law enforcement and Water Safety employees are currently represented by unit 3 and 4, which is designated for non-supervisory white collar and supervisory white collar positions.

This new bargaining unit 14 will provide for the proper collective bargaining representation exclusively for State Law Enforcement Officers and Water Safety Officers, that have specific needs and issues unique to their working conditions. These specific needs and issues are not shared by other members in unit 3 and unit 4.

Thank you for this opportunity to testify on this important matter.

Lieutenant Robin Nagamine
Sheriff Division

I am in very strong support of House Bill 1172.

Director Kalbert Young of the Budget and Finance states that the Department of Budget and Finance takes no position but yet he states that “ It’s possible the concerns of these employees could be addressed within their current bargaining unit”.

We are currently told by our bargaining unit representative Brandon Lee that what’s in the current bargaining unit applies to clerks and administrators only. Our concerns and grievances die there and are not brought up to hearing because the Unit 3 board consists of representatives from clerks and administrators only. There is not one Deputy Sheriff on that board, there is not one DLNR officer on that board, there is not one Harbor Police Officer on that board. Just clerks and administrators. They are what make up the entire board in the collective bargaining unit 3.

Our Division as well as the other divisions have been running at or below daily minimum manning for years if not decades. This is a dangerous cycle that is constantly and unnecessarily putting the lives of our men and women in constant danger. Our population in the State of Hawaii and the number of criminals are only growing while our manpower stays the same and falls behind. I sincerely request that you carefully weigh this matter of severe manpower shortage as it is a matter of money versus the lives and safety of our sworn law enforcement officers.

As emergency responders having our own distinct bargaining unit allows us to properly address and correct the concerns that our ever changing dynamic and dangerous working environment entails.

We serve the people of the community, the public, and the state of Hawaii by putting ourselves ahead of the dangers so that “the people” may live in a safe environment. When there is a disaster we run towards it while others run away. Knowing full well of the consequences that may lay ahead and that our lives may be in danger. We do our jobs, and we do our jobs well.

Currently we are placed with clerks and administrators whose jobs are entirely different than that of an emergency responder. The Department of Public Safety is a different working environment than that of the Department of Education. Working with and arresting some of the most dangerous walks of life that mankind has to offer. Such as my second warrant arrest, The male individual was wanted for 1 count of kidnapping, 2 counts of sexual assault in the first degree and other various charges. That is what and who we deal with on a daily basis. That is what sets us apart from a clerk or an administrator. Our jobs have different dynamics and needs that should be properly addressed and having our own bargaining unit would allow that.

I swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii. I am a sworn law enforcement officer that voluntarily chose to answer my calling to serve. Serve “ the people”, serve the public, and serve the State of Hawaii to the best of my ability. I humbly and respectfully request that you allow us the opportunity to grow into the productive and successful future that lies ahead. Bargaining Unit 14 is that path.

Thank you for the opportunity to allow us to further grow and succeed, Aloha.
Deputy Sheriff Cain Amemiya

RELATING TO COLLECTIVE BARGAINING

I am in very strong support of House Bill No. 1172. House Bill No. 1172 establishes a new and much needed collective bargaining unit 14 to represent First Responders within the State of Hawaii and its Counties to include State Law Enforcement (Sheriffs, DLNR, Harbor Police) and County Ocean Safety and Water Safety Officers. Currently, the Hawaii Government Employees Association (HGEA) poorly represents these employees as members of collective bargaining unit 3.

It may be possible for the concerns of these employees to be addressed within the current bargaining unit 3, however, due to the fact that First Responders are the minority of a few hundred compared to 12,000+ clerks and administrators, the needs and concerns of the First Responders are generally drowned out and rarely heard and met if heard at all. This is evident as shown in the audit of the Sheriffs Department a few years ago. The needs of First Responders are suffering.

I feel that the need for bargaining unit 14 is simply to address specific issues and concerns of the First Responder as compared to clerks and administrators. Clerks and administrators have completely different duties and responsibilities and they do not understand the concerns of First Responders. Again, clerks and administrators make up approximately 12,000 members as compared to approximately 400 First Responders. The First Responders are simply outnumbered and the 12,000 majorities drown their concerns out. Therefore supplemental agreements relating to First Responders are not passed through and the issues and concerns of First Responders not met.

I don't pretend to know what the impact of a new collective bargaining unit 14 would have on the State; however, I do believe that leaving First Responders in collective bargaining unit 3 will continue to negatively impact First Responders altogether. Issues and concerns of First Responders will simply continue to be neglected and I don't believe we can continue another decade without this change.

I humbly submit my testimony and request that all members of the House, Senate and other committees please support this bill. Thank you very much.

finance1-Christie

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 19, 2013 3:13 PM
To: FINTestimony
Cc: michael.v.decenzo@hawaii.gov
Subject: Submitted testimony for HB1172 on Feb 20, 2013 15:30PM

HB1172

Submitted on: 2/19/2013

Testimony for FIN on Feb 20, 2013 15:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael DeCenzo	Individual	Support	No

Comments: I fully support this bill and ask this committee to support it also. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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finance1-Christie

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Subject: Submitted testimony for HB1172 on Feb 20, 2013 15:30PM

HB1172

Submitted on: 2/19/2013

Testimony for FIN on Feb 20, 2013 15:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lanikoa K. Dobrowolsky	Individual	Support	Yes

Comments: I strongly support HB1172. As a Deputy Sheriff IV (Lieutenant) with the State of Hawaii Sheriff's Division, we have found it difficult to bargain for the necessary resources and training for our law enforcement officers. The creation of unit 14 will allow us to ensure our deputies are outfitted with protective and lifesaving equipment. In addition, although HGEA units 3&4 are fine organizations populated by professionals, the classifications and needs of those professions are extremely different than ours. Without a strong voice within those units, our needs are more often than not overlooked. I humbly ask for your support in passing this bill.

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finance1-Christie

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Subject: Submitted testimony for HB1172 on Feb 20, 2013 15:30PM

HB1172

Submitted on: 2/19/2013

Testimony for FIN on Feb 20, 2013 15:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Munroe	Individual	Support	No

Comments: I support this bill to create a new bargaining unit for state law enforcement.

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