

LATE

Written Only

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GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/27/2013

Committee: House Finance

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0151,HD1(hscr140) RELATING TO COLLECTIVE BARGAINING.

Purpose of Bill: Sets a time frame within which the Hawaii Labor Relations Board shall resolve complaints. Effective January 1, 2113. (HB151 HD1)

Department's Position:

The Department of Education opposes H.B. 0151, HD1, which seeks to impose a specific deadline by which the Hawaii labor relations board must resolve complaints. (HD1 leaves the deadline unspecified.) The Department believes that the Hawaii labor relations board must have the flexibility to resolve complaints according to the nature and complexity of the matter in dispute. Often, the parties are unable to present their cases in one session, and other mutually convenient hearing dates must be arranged amongst the parties, their attorneys, witnesses and the labor board. In some cases, conscientious efforts are made by the parties to resolve the matter without the need for adjudication by the labor board. This may involve collecting data or researching information. Moreover, some hearings may be very lengthy, consuming many days of testimony plus various motions and extensive legal briefs. To place a deadline for resolving all complaints may not be in the best interests of the parties in all cases.

February 26, 2013

LATE**TESTIMONY RE: HB 151, RELATING TO COLLECTIVE BARGAINING****Hearing Date:** Wednesday, February 26, 2013 – 11:30 AM**To: Members of the House Committee on Labor & Public Employment**

Honorable LAB Committee Members,

I completely support HB 151 which clearly defines a deadline for decisions by the Labor Relations Board and suggest the amendments below in **red**. I deliberately am withholding my credentials, affiliations, and other accomplishments so that my reasoning may stand on its own.

The language currently in HRS 89-5 mandates that the Board, “*Execute all of its responsibilities in a timely manner so as to facilitate and expedite the resolution of issues before it.*” The current language in HRS 89-5 is insufficient for ensuring a speedy, just, resolution to a collective bargaining impasse. “In a timely manner” is too ambiguous. Is this island time? Geological time? Dog years? The time it takes for technology to become obsolete? How long must people wait for the government to resolve appeals for redress of grievances?

As an American I support the concept of swift justice. I do not think that it is in the best interests of our citizens for the Labor Relations Board to be able to delay resolving a complaint indefinitely.

I support adding clear language to the Hawai‘i Revised Statutes that defines “timely” by adding a deadline for resolving issues that come before the board. HB 151 (i) (10) would then read, “*Execute all of its responsibilities in a timely manner so as to facilitate and expedite the resolution of issues before it[-]; provided that a decision on any complaint filed with the board shall be resolved within _____ days.*”

For that reason, I support HB 151.

Thank you,



Vanessa Ott, Citizen

Note: The current bill leaves the number of days blank. I think that the Labor Relations Board should be required to resolve a complaint “...**within 180 days of hearing final arguments.**”

FINTestimony

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 27, 2013 6:50 AM
To: FINTestimony
Cc: matt_lopresti@yahoo.com
Subject: *Submitted testimony for HB151 on Feb 27, 2013 11:30AM*

HB151

Submitted on: 2/27/2013

Testimony for FIN on Feb 27, 2013 11:30AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew LoPresti	Individual	Support	No

Comments:

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Cc: pstanfield@gmail.com
Subject: *Submitted testimony for HB151 on Feb 27, 2013 11:30AM*

HB151

Submitted on: 2/26/2013

Testimony for FIN on Feb 27, 2013 11:30AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patty Stanfield	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Pecoraro	Individual	Support	Yes

Comments: It is stupid to allow the HLRB infinite time to produce a ruling. Unfortunately, the HLRB is a political tool and used by the government, which screws groups like HSTA. Shame

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Submitted By	Organization	Testifier Position	Present at Hearing
Shanae Hatchell	Individual	Support	No

Comments: I am in support of this bill for a few reasons. First, in order for things to be fair to all parties involved, there needs to be a timeline for when decisions have to be made. If this is not the case, those with the least amount of power end up being negatively affected. I believe that our government was created with checks and balances in order to provide equality to all. Without passing the guidelines set by this measure, a balance of power will never exist. In addition to this, there are cost factors that have to be taken into consideration. It takes a financial toll on all parties involved when decisions are not made by the Hawaii Labor Relations Board in a timely manner.

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Submitted By	Organization	Testifier Position	Present at Hearing
Diane Aoki	Individual	Support	No

Comments: The time it has taken for HLRB to issue a ruling on HSTA's case is RIDICULOUS! It is a prima facie example of government ineffectiveness that has implications for injustice. If the Board are appointees of the Governor, then they can be seen as "tied" to his desires, and delaying decisions is a way to manipulate the system to favor the Governor. It sure does appear that way. If it is true, as is rumored, that the 2 are divided, then there needs to be a contingency plan for that. The contingency would be that the decision would be in favor of the complainant. Justice inordinately delayed, is justice denied. Help us!

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Submitted By	Organization	Testifier Position	Present at Hearing
Justin Hughey	Individual	Support	No

Comments: Teachers deserve a timely ruling. Hlrb stating that they could take up to two years looks like the Governor's appointed labor board is stalling. Hlrb submitted testimony that they are against this bill only on the merrit that they don't have the staffing to make rulings timely. Please amend the bill and give the hlrb the tools they need to be more effective. 13, 000 teachers and the rest of the voters in Hawaii deserve better.

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Submitted By	Organization	Testifier Position	Present at Hearing
Robin Miller	Individual	Support	No

Comments: My support of this bill regarding timely ruling on matters of Labor Relations Board cases is heartfelt. I feel that as an employee of the State of Hawaii, it would be unacceptable for me to take FOREVER to do my work, or simply say I don't have to do it. That is in effect what the board has stated in regards to the HSTA complaint. Other issues brought before the board also are not resolved in a timely matter. Imagine if I told my parents (yes, I'm a teacher) "sorry, no report cards". I didn't have the time to get them done. I work 20-30 a week above my contractual hours to do my work. I feel that the board should also do their job as well, and a bill spelling out appropriate timelines would be a just, equitable move for the people of Hawaii.

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Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Denis III	Individual	Support	No

Comments: As a public school teacher, I support this bill. Waiting this long for the labor board to rule is ridiculous...especially since they are all appointed by the Governor!

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Submitted By	Organization	Testifier Position	Present at Hearing
Erich Smith	Individual	Support	No

Comments: Decisions must be made in a timely manner- anything else is ridiculous!

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Submitted By	Organization	Testifier Position	Present at Hearing
Krista Schmidt	Individual	Support	No

Comments: The Labor Board should be expected to rule on cases as soon as possible following investigation and testimonial. It should not be allowed to decide what is the "reasonable" amount of deliberation time while parties submitting complaints must wait possibly indefinitely for cases to be settled.

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To: FINTestimony
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Subject: Submitted testimony for HB151 on Feb 27, 2013 11:30AM

HB151

Submitted on: 2/27/2013

Testimony for FIN on Feb 27, 2013 11:30AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Lewis	Individual	Support	No

Comments: The HLRB rulings have significant impact on Business and Labor. When the rulings take so long there is uncertainty which is bad for both

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Cc: matty_dr@hotmail.com
Subject: Submitted testimony for HB151 on Feb 27, 2013 11:30AM

HB151

Submitted on: 2/26/2013

Testimony for FIN on Feb 27, 2013 11:30AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Rossman	Individual	Support	No

Comments: My name is Matthew Rossman. My wife and I are teachers. We really trust that the Labor Board is taking care of the interests in labor. However, the labor board has taken so long to rule in cases, it has caused those in labor frustration, anger, and anguish. Please pass this bill. The labor board should not be allowed hold all those in labor hostage for months and even years while it comes to decisions.

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