



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2496, RELATING TO HAWAII LABOR RELATIONS BOARD.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 7, 2014 **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Richard H. Thomason, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General opposes this bill because it is ambiguous, possibly deficient, and not evenhanded or balanced.

Section 89-5, Hawaii Revised Statutes (HRS), currently permits both the public employers and the public unions to submit to the Governor the names of persons they propose to serve in each of the three seats of the Hawaii Labor Relations Board (one seat representing management, one representing labor, and one representing the public). No limitation is placed upon the number of proposed nominees that labor and management may submit for consideration, nor are labor and management prohibited from submitting nominees to be considered for each other's seats.

The purpose of this bill is to amend section 89-5, HRS, to require the governor to fill the seat representing labor from a list of only three nominees submitted only by "the exclusive representative organizations," while at the same time continuing to permit those same organizations to submit nominees for the management (and public) seats.

The first problem with this bill is that it is unclear as to whether each of the six public unions may submit their own list of proposed nominees, or whether only one list may be submitted on behalf of all of them. If the answer is that only one list may be submitted, then the bill is deficient to the extent that it fails to establish a mechanism by which the public unions are to reach agreement on who shall be on the list. The implication is that all six of the public unions must reach mutual agreement and in the absence of any sort of such formal procedure, we believe that the potential for deadlocks may result in vacancies remaining unfilled.

The second problem with this bill goes to the issue of balance. We do not believe that it serves the public interest to permit one side of the labor/management relationship to have a say in appointing members to the other's seat, while denying that same countervailing right to the other party. The current statute is consistent in this regard, and any proposed amendment thereto should be just as equally evenhanded. Either both sides should have this right or neither side should have it. Any other result renders the labor/management relationship unbalanced for no discernible logical or ethical reason.

Accordingly, we respectfully request that your Committee not pass this bill.

**Testimony to the House Committee on Judiciary  
Friday, February 7, 2014 at 2:00 P.M.  
Conference Room 325, State Capitol**

**RE: HOUSE BILL 2496 RELATING TO HAWAII LABOR RELATIONS  
BOARD**

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** HB 2496 Relating to Hawaii Labor Relations Board.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber feels that this bill is unfair and over weighted. We feel that the existing law provides balance to employee-employer relationship, as well as to the public. The selection of the board should mirror the intent of having 3 individuals from different perspectives. This bill provides unfair advantage to labor over both the public and employer perspective.

This bill would ensure that the board member representing labor will be selected by labor organizations, without offering the same prospective for the selection of the other two board members representing management and the public. This imbalance in member selection could potentially harm the Hawaii labor relations board and the purpose it was created for.

While the Hawaii Labor Relations Board mainly conducts hearings for the public sector, they also conduct hearings for the private sector including appeals cases for Hawaii Occupational Safety and Health Division (HIOSH).

We respectfully ask that this bill be held in committee. Should the committee move this bill forward, we ask for amendments allowing the selection of the management and public member to have the same favorable selection process. Thank you for the opportunity to testify.



## HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO  
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929  
TELEPHONE (808) 949-1566 FAX: (808) 952-6003  
WEBSITE: [www.hawaiifirefighters.org](http://www.hawaiifirefighters.org)

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HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014  
February 7, 2014

Committee on Judiciary

Testimony by  
Hawaii Fire Fighters Association

H.B. No. 2496      Relating to Hawaii Labor Relations Board

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO. The HFFA represents approximately 2,100 active-duty professional fire fighters throughout the State. We support of H.B. No. 2496, which amends Chapter 89-5 by requiring the governor to select the labor member of the Hawaii labor relations board from a list of nominees submitted by labor organizations.

The one of the three members of the Hawaii Labor Relations Board “shall be representative of labor.” H.B. No. 2496 requires that the appointment of the labor representative to the HLRB be from one of three names submitted to the Governor by the employee organizations. This bill conforms to the established public policy articulated in Section 89-1, “that joint decision-making is the modern way of administering government.”

Thank you for your support.



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Twenty-Seventh Legislature, State of Hawaii  
House of Representatives  
Committee on Judiciary

Testimony by  
Hawaii Government Employees Association  
February 7, 2014

H.B. 2496 - RELATING TO  
HAWAII LABOR RELATIONS BOARD

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2496, which requires the governor to select the labor representative of the Hawaii Labor Relations Board (HLRB) from a list of nominees submitted by labor organizations, with a proposed amendment, for clarity.

The HLRB's primary function is to investigate and resolve disputes, and oversee proceedings on complaints to ensure that collective bargaining is conducted in accordance with Ch. 89, Hawaii Revised Statutes (HRS). The Board is composed of three (3) gubernatorial appointees - a representative of management, a representative of labor, and the chairperson, who serves as a representative of the public. As currently written, Ch. 89-5(b), HRS permissively allows for the Exclusive Representatives to submit names of persons for the Governor's consideration in making an appointment. The proposed language in H.B. 2496 is similar to the process of selecting the labor trustees to the Employer Union Health Benefits Trust Fund Board, as delineated in Ch. 87A-5, HRS, where the Appointee is chosen from a list of nominees provided by the Exclusive Representatives.

After reviewing the Attorney General's concerns and to clarify the intent behind the measure, we respectfully propose Section 1 be amended as follows:

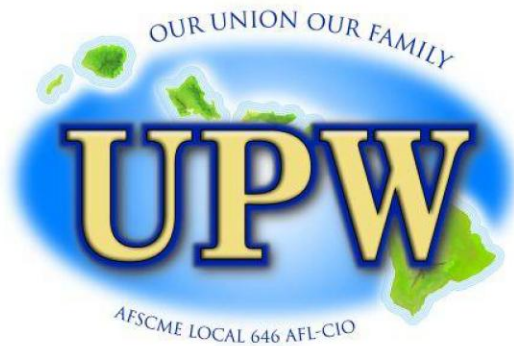
*SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:*

*"(b) The board shall be composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed by the governor for terms of six years each. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons to serve as ~~[members of the board]~~ the member representing management or the member representing the public and the governor shall first consider these persons in selecting [the] these members of the board. The representative of labor shall be appointed by the governor from a list of three nominees selected by mutually agreement of the exclusive representative organizations."*

H.B. 2496  
February 7, 2014  
Page 2

The amendment in H.B. 2496 ensures - rather than hopefully allows - equal representation, fairness, and a direct say on the labor representative to the board. Thank you for the opportunity to testify in strong support of H.B. 2496, with a proposed amendment.

Respectfully submitted,  
  
Randy Perreira  
Executive Director



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Seventh Legislature  
Regular Session of 2014

COMMITTEE ON JUDICIARY

The Honorable Rep. Karl Rhoads, Chair  
The Honorable Rep. Sharon E. Har, Vice Chair

DATE OF HEARING: Friday, February 7th, 2014  
TIME OF HEARING: 2:00 PM  
PLACE OF HEARING: Conference Room 325

**TESTIMONY ON HB2496 RELATING TO HAWAII LABOR RELATIONS BOARD**

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 1 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 strongly supports HB2496 and its intent to strengthen the effectiveness of the Hawaii Labor Relations Board by having the Governor appoint the member representative of labor from a nominee list provided by the Executive Representatives.

The Hawaii Labor Relations Board (HLRB) has the primary function of ensuring that collective bargaining adheres to the standards set forth within Chapter 89, Hawaii Revised Statutes (HRS). HB2496 sustains the original method for selecting both the member representing management and the member representing the public, while allowing the labor organizations to rightfully choose the nominees for their representative. As the Exclusive Representatives, labor organizations have the resources and experiences necessary to propose the recommended leadership. The proposed language in this bill will allow for fair representation for both employee and employer.

We ask that the committee pass this bill.

Thank you for the opportunity to testify on this measure.

**LATE**



House Committee on Judiciary  
Friday, February 7, 2014  
2:00 p.m.

**HB 2496, Relating to Hawaii Labor Relations Board.**

Dear Chairman Rhoads and Committee Members:

The University of Hawaii Professional Assembly (UHPA) supports HB 2496 as providing an appropriate vehicle for the Governor to select the labor representative to the Hawaii Labor Relations Board. This amendment clarifies any ambiguity that may exist in the selection process by insuring that the labor representative reflects the support of Hawaii labor unions.

Respectively submitted,

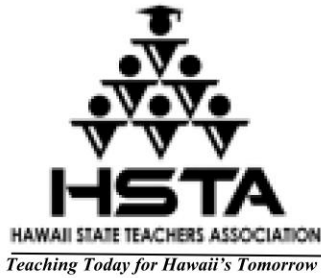
A handwritten signature in black ink that reads "Kristeen Hanselman".

Kristeen Hanselman  
Associate Executive Director

**UNIVERSITY OF HAWAII  
PROFESSIONAL ASSEMBLY**

1017 Palm Drive • Honolulu, Hawaii 96814-1928  
Telephone: (808) 593-2157 • Facsimile: (808) 593-2160  
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**LATE**

1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

TESTIMONY BEFORE THE HOUSE COMMITTEE  
ON JUDICIARY

DATE: FRIDAY, FEBRUARY 7, 2014  
RE: HB 2496 RELATING TO HAWAII LABOR RELATIONS BOARD  
PERSON TESTIFYING: WIL OKABE  
HAWAII STATE TEACHERS ASSOCIATION

Wil Okabe  
President  
Joan Kamila Lewis  
Vice President  
Colleen Pasco  
Secretary-Treasurer  
Alvin Nagasako  
Executive Director

The Honorable Chair Karl Rhoads, The Honorable Vice-Chair Sharon Har and the Members of the Committee:

**The Hawaii State Teachers Association (HSTA) strongly supports HB 2496, relating to the Hawaii Labor Relations Board.**

HSTA is the exclusive representative of more than 13,500 public and charter school teachers statewide. As the state affiliate, of the 3.2 million members of the National Education Association, HSTA believes that is important for the governor to select the labor members for the Hawaii Labor Relations Board (HLRB) from a list of nominees submitted by labor organizations.

In the past, HSTA had filed important labor board cases. One in particular was a complaint against the state regarding the last, best, and final offer (LBFO) that was illegally imposed on teachers.

One may recall, the LBFO case dragged on for years that rendered no decision. Justice was not served for the teachers and students. This type of action should have never happened as it wasted time, money and most importantly the HLRB did not render any decision in justifying the legality on the actions of the Board of Education and the Department of Education.

It would be in the best interest of our public sector workers to be able to ensure fairness, expertise, and a person who has no political ties, to be selected from a list submitted by the exclusive representative organizations.

Thank you for the opportunity to testify in **strong support of HB 2496**