



**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 LABOR AND PUBLIC EMPLOYMENT

**DATE:** Friday, January 31, 2014 **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 309

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

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Chair Nakashima 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, 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 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.



House Committee on Labor & Public Employment  
Friday, January 31, 2014  
9:00 a.m.

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

Dear Chairman Nakashima 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,

Kristeen Hanselman  
Associate Executive Director

**UNIVERSITY OF HAWAII  
PROFESSIONAL ASSEMBLY**

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

TESTIMONY BEFORE THE HOUSE COMMITTEE  
ON LABOR & PUBLIC EMPLOYMENT

DATE: FRIDAY, JANUARY 31, 2014

RE: H.B. 2496 – RELATING TO HAWAII LABOR RELATIONS BOARD

PERSON TESTIFYING: WIL OKABE  
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chair Mark Nakashima, The Honorable Vice-Chair Kyle Yamashita 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**





## 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 Labor and Public Employment

Testimony by  
Hawaii Government Employees Association  
January 31, 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.

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 mirrors 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. 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.

Respectfully submitted,

Randy Perreira  
Executive Director

**yamashita1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 29, 2014 7:59 PM  
**To:** LABtestimony  
**Cc:** surferg@aloha.net  
**Subject:** Submitted testimony for HB2496 on Jan 31, 2014 09:00AM

**HB2496**

Submitted on: 1/29/2014

Testimony for LAB on Jan 31, 2014 09:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cleon Bailey	Individual	Oppose	No

Comments: Dear respected Hawaii state legislators, Please do not allow this bill for an Act to become a Hawaii state law, period I liken this request for bill HB2496 to the analogy of: putting the Fox in charge of the chicken coup. Please hold this bill from moving forward in this legislative session. Very truly yours, Cleon M. Bailey

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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**Testimony to the House Committee on Labor and Public Employment**  
**Friday, January 31, 2014 at 9:00 A.M.**  
**Conference Room 309, State Capitol**

**LATE**

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

Chair Nakashima, Vice Chair Yamashita, 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. This bill provides unfair advantage to labor over both the public and employer perspective.

We respectfully ask that this bill be held in committee. Thank you for the opportunity to testify.





## HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO  
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**LATE**

HOUSE OF REPRESENTATIVES  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2014  
January 31, 2014

Committee on Labor and Public Employment

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 H.B. No. 2496, which amends Chapter 89-5 to require the governor to select the labor member of the Hawaii labor relations board from a list of nominees submitted by labor organizations.

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.