

# LATE TESTIMONY

Written Only

NEIL ABERCROMBIE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
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**Date:** 02/11/2013

**Committee:** Senate Judiciary and Labor

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 1375 RELATING TO COLLECTIVE BARGAINING.

**Purpose of Bill:** Amends the definition of "collective bargaining" in section 892, HRS, to clarify that "other terms and conditions of employment" are limited to what is specifically incorporated into a collective bargaining agreement. Requires the arbitration panel to be selected within twenty-five days after the date of an impasse from a list of qualified persons. Reduces the amount of time in which an arbitration panel must begin proceedings after selection from one hundred twenty days to twenty days. Requires an arbitration hearing to be completed without delay unless there is an unforeseeable emergency. Repeals the authority of the parties to modify any time frame provided for in an impasse procedure.

**Department's Position:**

The DOE opposes the amendment to Section 1, that defines "other terms and conditions of employment" to mean "other terms and conditions of employment specifically incorporated into a collective bargaining agreement." This definition has the potential to expand the obligation to bargain to include anything that is in a current or expired collective bargaining agreement. The employer and the exclusive representative are obligated to bargain over "mandatory" subjects of bargaining, which include terms and conditions of employment. The parties may, but are not obligated to, bargain over "permissive" subjects. Existing or expired collective bargaining agreements may contain provisions that pertain to permissive subjects. The Employer or exclusive representative may choose not to bargain those permissive subjects in the future. The proposed definition could be interpreted to mean all subjects incorporated into a collective bargaining agreement, including permissive subjects, must be bargained. In addition, there may be "mandatory" subjects of bargaining that are currently not included in the collective bargaining agreement. The proposed definition would exclude those matters because they are not incorporated into a collective bargaining agreement.



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The Twenty-Seventh Legislature, State of Hawaii  
The Senate  
Committee on Judiciary and Labor

**LATE TESTIMONY**

Testimony by  
Hawaii Government Employees Association  
February 11, 2013

S.B. 1375 – RELATING TO  
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of S.B. 1375, which changes the definition of collective bargaining, requires the arbitration panel to be selected within twenty-five days after the date of impasse, reduces the amount of time in which the arbitration panel must begin proceedings and repeals the authority of the parties to modify any time frames provided in the impasse procedure.

As delineated in section 89-1 (b), Hawaii Revised Statutes, joint decision-making is the modern way to administer government and it is the public policy of the State to promote harmonious and cooperative relations between government and its employees. Amending the definition of "collective bargaining" to limit the scope of bargaining specifically to "other terms and conditions of employment specifically incorporated into a collective bargaining agreement" severely undermines the principles of collective bargaining and confines discussion to terms that have previously been agreed upon. By nature, this amendment is overly limiting and does not lend any flexibility for changes in efficiency, operations, or advancing technology. In essence, the parties would be tied, by statute, to the status quo. In addition, S.B. 1375 amends the procedures and timelines for impasse and arbitration by mandating strict deadlines for the selection of the arbitration panel and for the hearing to commence. Further, it deletes provisions that allow for both parties, upon mutual consent, to modify or amend any portion of the timetable. Strict statutory deadlines, without the ability to mutually extend dates, unrealistically binds both parties and eliminates further discussion and attempts to settle collective bargaining agreements, which can lead to increased and unnecessary costs. We respectfully question – are decisions made in haste, statutorily bound, by both the Employer and the Exclusive Representative, in the best interests of any party, the State of Hawaii included?

Thank you for the opportunity to provide testimony in strong opposition about the language and intent of S.B. 1375.

Respectfully submitted,

Sanford Chun  
Field Services Officer



# HAWAII FIRE FIGHTERS ASSOCIATION

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THE SENATE  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013  
COMMITTEE ON JUDICIARY AND LABOR

LATE TESTIMONY

Testimony by  
**S.B. No. 1375** RELATING TO COLLECTIVE BARGAINING.

My name is Robert H. Lee, President of the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. On behalf of the more than 3,100 members, both active and retired professional fire fighters throughout the State, HFFA opposes S.B. No. 1375, which proposes amend Chapter 89, H.R.S.

HFFA believes that the proposals in this bill are unreasonable and as important, contrary to the Legislature's policy of joint decision making. We strongly oppose to the substantive change in the definition of "other terms and conditions of employment" to limit it to what is contained in the collective bargaining agreement as it limits the negotiations. Furthermore, the proposed timetable is impracticable and removing the employers and the exclusive representatives from the selection process of the neutral third member on the arbitration panel clearly makes the process unbalanced. Not to mention adding another charge for HLRB to address when their current workload is overwhelming.

We respectfully request the Committee hold S.B. No. 1375 in Committee. Thank you for the opportunity to testify.