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March 17, 2014

TO: The Honorable Mark M. Nakashima Chair
The Honorable Kyle T. Yamashita Vice-Chair
Members of the Senate Committee on Judiciary & Labor

Date: Tuesday, March 18, 2014
Time 10:30 a.m.
Place: Conference Room 309, State Capitol

From: Sesnita Moepono, Board Member
Hawaii Labor Relations Board (HLRB or Board)

RE: SB No. 3038 Relating to the Hawaii Labor Relations Board

I. OVERVIEW OF PROPOSED LEGISLATION

The purpose of this bill is (1) to clarify that §89-5(e)(1), Hawaii Revised Statutes pertains only to the appointment of an acting member who is a representative of labor; and (2) to expand §89-5.1 by allowing the Board to serve a Board hearing notice by electronic service through a company designated by the board.

II. CURRENT LAW

HRS §89-(e)

HRS §89-5(e) provides a procedure for the governor to appoint an acting member during the temporary absence from the State, temporary inability to act due to recusal, or illness of any regular member.

Subsection (1) provides that if the regular member is the representative of management or labor, then employee organizations may submit to the governor for consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member. Subsection (2) provides that if the regular member is the representative of management then the public employers may submit to the governor for

consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member.

HRS §89-5.1 requires that in any hearing conducted by the board, all parties shall be given written notice of the hearing by first class mail at least fifteen days before the scheduled date of the hearing.

III. COMMENTS

The HLRB supports Section 1 of this bill as the proposed changes clarify that subsection (1) pertains to the Board's representative of labor and subsection (2) pertains to the Board's representative of management.

The HLRB supports Section 2 of this bill as it will allow the Board to serve a Board hearing notice by electronic service through a company designated by the board.

Currently the Governor's Budget includes a funding request for an electronic filing service (eFiling) beginning July 1, 2014. This bill will allow the Board to serve its hearing notices to parties who are registered with eFiling. If a party is not registered with eFiling, then the Board will continue to serve a non-registered party by first class mail.

Thank you for allowing us the opportunity to testify in support of this bill. I would be happy to answer any questions.