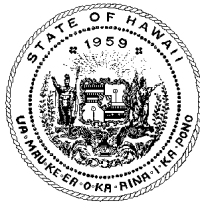


NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

TED SAKAI  
DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

**Max Otani**  
Deputy Director  
Corrections

**Keith Kamita**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

COMMENTS ON SENATE BILL 883, Senate Draft 1  
RELATING TO PUBLIC SAFETY

by  
Ted Sakai, Director  
Department of Public Safety

Senate Committee on Ways and Means  
Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair

Thursday, February 21, 2013; 9:00 a.m.  
State Capitol, Room 211

Chair Ige, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety **supports the intent** SB 883, SD1 which establishes a collective bargaining unit (BU14) for first responders that include state law enforcement officers and state and county ocean safety and water safety officers, to be represented by the same exclusive representative.

Incumbents who are first responders that respond to events that is considered to be public safety and should not be categorized as White Collar Workers (BU 03) or White Collar Supervisors (BU 04). These are highly trained and skilled individuals who are placed in harm's way to enforce state laws and protect the public. Their functions and responsibilities are quite distinct from those of other members of BU 03 and BU 04.

We encourage all parties to continue to seek ways to afford due recognition for these highly trained and skilled public safety officers.

Thank you for the opportunity to testify on this matter.

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**Subject:** \*Submitted testimony for SB883 on Feb 21, 2013 09:00AM\*  
**Date:** Tuesday, February 19, 2013 4:11:49 PM

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Cliff Dela Cruz	Hawaii State Sheriff's	Support	No

**Comments:**

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## 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  
The Senate  
Committee on Ways and Means

Testimony by  
Hawaii Government Employees Association  
February 21, 2013

S.B. 883, S.D. 1 – RELATING  
TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 883, S.D. 1 which creates a new bargaining unit 14 for state law enforcement officers and state and county ocean safety officers, with a proposed amendment for clarification. The creation of a new bargaining unit for Deputy Sheriffs, Conservation and Resource Enforcement (DOCARE) Officers, Harbor Enforcement Officers and State and County Ocean Safety Officers, whose membership would be approximately 700 employees, provides for the most effective and efficient mechanism to address their unique needs.

State law enforcement officers and state and county ocean safety officers currently belong to HGEA's Bargaining Units 03 – White Collar Employees – and 04 – White Collar Supervisors. BU03 is the largest unit among the public sector with approximately 13,000 members. The large size and diverse scope of the professions within BU03 amplifies the complexity of addressing the ever increasing and specialized needs of the state law enforcement officers and state and county ocean safety officers in negotiations. While BU04 has much smaller membership, its contract provisions reflect the BU 03 collective bargaining agreement. These bargaining units were created in the early 1970's with the passage of Chapter 89, HRS and have not been amended since.

Through a separate bargaining unit, the specialized needs of law enforcement and ocean safety officers, such as mandatory trainings and certifications, uniform and equipment allowances, and terms and conditions of employment, can be more directly and uniformly addressed with the Employer. Progress to address their unique needs will continue to stagnate unless these members are in a separate bargaining unit and not enshrouded by the needs of white collar employees. It is important to note that the creation of BU 14 via statute change is a cost-neutral amendment – any and all costs affiliated with the new unit shall be determined by mutual consent of the Employer.

For clarity on specifically which employees will be affected by the creation of this new unit, we propose that all references to naming the new BU 14 be amended from "first responders including state law enforcement officers and state and county ocean safety and water safety officers" to read "state law enforcement officers and state and county ocean safety and water safety officers."

Over time, the functions and structure of government must change to meet current challenges and we must make such changes to best address the needs of our government employees. Thank you for the opportunity to testify in support of the above legislation with the proposed amendment.

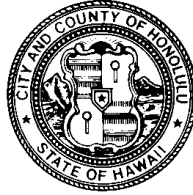
Respectfully submitted,

Randy Perreira  
Executive Director

HONOLULU EMERGENCY SERVICES DEPARTMENT  
OCEAN SAFETY AND LIFEGUARD SERVICES DIVISION  
**CITY AND COUNTY OF HONOLULU**

3823 LEAHI AVENUE • HONOLULU, HAWAII 96815-4435  
Phone: (808) 922-3888 • Fax: (808) 922-0411

PETER B. CARLISLE  
MAYOR



JAMES H.E. IRELAND, M.D.  
ACTING DIRECTOR

RALPH S. GOTO  
OCEAN SAFETY ADMINISTRATOR

February 19, 2013

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
Committee on Ways and Means  
The Senate  
The Twenty-Seventh Legislature  
Regular Session 2013  
State Capitol  
Honolulu Hawaii 96813

Dear Chair Ige and Members of the Committee on Ways and Means:

Re: SB 883, SD1: Relating to Collective Bargaining

This testimony is submitted in strong support of SB 883 SD1

Thank you for taking the time today to consider our testimony regarding the need for the passage of SB 883 SD1.

My name is Jim Howe; I am a Water Safety Officer V, commonly referred to as the Operations Chief for the City and County of Honolulu's Emergency Services Department, Ocean Safety and Lifeguard Services Division. I am a member of HGEA Bargaining Unit 04.

In my capacity as Operations Chief I am responsible for the provision of ocean safety and lifeguard services for the Island of Oahu. I lead a team of 145 full time and 85 part time beach lifeguards. Our team is charged with the responsibility of acting as the primary responder to all emergencies that occur on the beaches and in the near shore waters of the Island of Oahu. Our task is significant and the consequences of failure are critical.

During my career in ocean safety, which began in 1977, there have been dramatic changes in the number and ways that people recreate in the ocean. This has led to an unending series of challenges for our group. We have experienced an ever evolving level of responsibility and have successfully met each and every one of these challenges thru a constant commitment to developing the people and systems essential to carrying out our mission.

So much has changed since 1972 when our State of Hawaii Public Employee Collective Bargaining law was enacted. Our resident population has grown from 800,000 to 960,000 and our annual visitor arrivals have grown from 2,000,000. to 7,600,000 with anticipated growth to over 8,000,000 this year. Ocean recreation has become a major part of our State economy. There are even surf reports on television today.

SB 883 has been introduced to address a situation which has developed over the past forty years in our State. A situation where a group of employees are considered and expected to perform as public safety workers except when it comes to negotiating the terms and conditions of their employment.

Under the current law Water Safety and Ocean Safety Officers are a 400 member sub-set (identified as health, safety, public trust employees) in a 16,000 member white collar bargaining unit. HGEA Unit 03 is primarily composed of general employees who perform clerical and secretarial job functions in an office environment. The work environment, responsibilities, inherent physical hazards, and nearly every element of a work day could not be more different between Water Safety/Ocean Safety officers and the vast majority of the rest of the workers in the bargaining unit. As a consequence of this significant disparity in the number of employees in the Unit the concerns that pertain to this small sub-set of the bargaining unit employees are not addressed in any substantive fashion in the development and negotiation of the Collective Bargaining Agreement.

The effort to address this issue began in earnest about a decade ago. This was subsequent to HGEA BU 03 and 04 going on strike and all Water Safety Officers being deemed "essential" employees by the HLRB. The rift between the striking members of the BU's and those who continued to come to work crossing the picket lines had a significant impact on Water Safety Officers.

HB 1172 is the remedy which will give a voice to the concerns of our Water and Ocean Safety Officers in the State of Hawaii and a reliable method to address the unique issues that these employees face every day in their work life.

I have attached two documents for your review to highlight some of the points made in this testimony.

Thank you in advance for you time and favorable consideration.

Respectfully your,

Jim Howe  
Operations Chief  
Emergency Services Department  
Ocean Safety Division  
City and County of Honolulu  
723-7867

JDH/tbm

Attachments: 3



# WE NEED YOUR SUPPORT FOR BILLS RELATING TO COLLECTIVE BARGAINING



Photo courtesy Vince Cavataio



**T**hese bills have received broad based community support, including all four executive administrations and all the county councils. All the state and city agencies affected support these bills. These changes would create a separate bargaining unit that more appropriately reflects the true public safety nature of their work. All County Water Safety and Ocean Safety Officers, State Sheriffs, State Harbor Patrol Officers and DOCARE Officers that are constantly responding to emergency situations support these changes.

These critical public safety employees are expected to function as essential employees during emergency situations- presently these lifeguards and law enforcement officers are not properly represented in their current collective bargaining unit. Help those who keep our islands safe.

County of Maui  
County of Kauai  
City and County of Honolulu

County of Hawaii  
State of Hawaii Sherrifs  
State of Hawaii DOCARE

State Harbor Patrol  
Hawaii Life Guard Association  
HGEA

	<b>Specialized Training and Certification In Life Safety</b>	<b>HLRB Essential job function designation</b>	<b>Dispatched via 911 to life safety emergencies</b>	<b>Mandatory Activation as Emergency Responders in Major Disasters</b>	<b>ERS Public Safety Retirement Designation</b>	<b>Mandatory Random Drug and Alcohol Testing</b>	<b>Public Safety Bargaining Unit HRS 89</b>
POLICE OFFICER	Yes	Yes	Yes	Yes	Yes	Yes	Yes
FIREFIGHTER	Yes	Yes	Yes	Yes	Yes	Yes	Yes
EMT	Yes	Yes	Yes	Yes	Yes	Yes	No
OCEAN / WATER SAFETY OFFICER	Yes	Yes	Yes	Yes	Yes	Yes	No
WHITE COLLAR NON-SUPERVISORY SUPERVISORY	No	Some	No	Some	No	No	No

# **Water Safety Officers; Then and Now**

## **In support of Sb2967,SD2, Related to Collective Bargaining**

### **1972 (HRS 89 become law)**

Hawaii resident population: 800,000  
Visitor arrivals: 2,000,000

The Brady Bunch film in Hawaii  
Rap Replinger is on the radio  
The Brothers Caz hit the big time  
Summer jobs are at the Dole Cannery  
Governor George Arioshi' is selling Hawaii tourism to Japan

In the ocean sports world:  
Shoreline fishing is the most popular ocean recreation activity  
Short boards are just being discovered

In Ocean Safety:  
The Water Safety Division is in the Department of Parks and Recreation  
There are 10 full time lifeguards on Oahu  
Work stations are the Waikiki Natatorium,  
Makaha Beach, Waimea Bay, Hanauma Bay,  
Makapuu, and Ala Moana

### **1973 to 1991**

The Viet Nam war ends  
Tourism expands at an amazing rate  
Sugar is no longer King as plantations close operations  
Summer jobs are now at restaurants and bars  
A second city becomes a necessity

In the ocean sports world:  
Surf leashes, boogie boards, windsurfers, and Jet Ski's are invented  
You can now make a living as a professional surfer  
You can get surf reports on the radio  
Surfing becomes more popular than shore line fishing

In 1980 ocean recreations generates 20 million dollars for our economy  
In 1991 ocean recreation generates 105 million dollars for our economy

In ocean safety:  
Law suits and judgments against the counties lead to multi million dollar settlements for  
visitors injured and killed at Hawaii beaches



Drowning and cervical spinal injuries are the leading cause of accidental death for young people in Hawaii  
Ocean safety services expands around the state

## **2010**

Hawaii resident population:	1,360,000
Visitor arrivals:	7,500,000

The second City is now a reality  
The outer Islands are now the Neighbor Islands  
Hawaii 5-0 is back  
Eco tourism is the standard and experiential tourism is the new frontier  
The State is selling Hawaii tourism to China and South Korea  
Summer jobs are at Jamba Juice  
The Brothers Caz are now legends

In the ocean sports world:  
Surf reports are on the TV news every day  
Kayaks, stand up surfboards, and 1 man canoes are everywhere on the water  
Surfing is the biggest ocean recreation activity for residents  
The ocean sector is the 4<sup>th</sup> largest part of our State economy

In ocean safety;

In the Emergency Services Department on Oahu for a decade, 28 mobile response units and 37 beach stations daily.  
Island wide responsibility including off shore waters out to 1 mile  
Now on the “911” system and moving toward secondary PSAP status  
Many Water Safety Officers are now EMT’s  
Ocean safety becomes part of the National Incident Management System team  
Kauai lifeguards have been in the fire department for a decade. Water Safety Officers co respond with Fire Fighters but have a totally different pay scale and work rules.  
Big Island lifeguards are in the fire department, none of the Water Safety Officers are considered Fire Fighters  
Maui lifeguards are planning a move to the fire department but none of the Water Safety Officers are considered Firefighters.

What has not changed, Water Safety Officers are still a part of BU 03 when it comes to negotiating terms and conditions of employment with all of the office workers around the State.

Our “office” is a demanding and unforgiving place.

No matter the ocean conditions, the weather, the hazards, or the emergency; water safety and ocean safety officers around the state are there to ensure our beaches and ocean waters are safe for all.

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Leung	Individual	Support	No

**Comments:**

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Among Jr	Individual	Support	No

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
CHESTER KAU	Individual	Support	No

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I am in very strong support of Senate Bill 883.

We are currently told by our bargaining unit representative Brandon Lee that what's in the current bargaining unit applies to clerks and administrators only. Our concerns and grievances die there and are not brought up to hearing because the Unit 3 board consists of representatives from clerks and administrators only. There is not one Deputy Sheriff on that board, there is not one DLNR officer on that board, there is not one Harbor Police Officer on that board. Just clerks and administrators. They are what make up the entire board in the collective bargaining unit 3.

Our Division as well as the other divisions have been running at or below daily minimum manning for years if not decades. This is a dangerous cycle that is constantly and unnecessarily putting the lives of our men and women in constant danger. Our population in the State of Hawaii and the number of criminals are only growing while our manpower stays the same and falls behind. I sincerely request that you carefully weigh this matter of severe manpower shortage as it is a matter of money versus the lives and safety of our sworn law enforcement officers.

As emergency responders having our own distinct bargaining unit allows us to properly address and correct the concerns that our ever changing dynamic and dangerous working environment entails.

We serve the people of the community, the public, and the state of Hawaii by putting ourselves ahead of the dangers so that "the people" may live in a safe environment. When there is a disaster we run towards it while others run away. Knowing full well of the consequences that may lay ahead and that our lives may be in danger. We do our jobs, and we do our jobs well.

Currently we are placed with clerks and administrators whose jobs are entirely different than that of an emergency responder. The Department of Public Safety is a different working environment than that of the Department of Education. Working with and arresting some of the most dangerous walks of life that mankind has to offer. Such as my second warrant arrest, The male individual was wanted for 1 count of kidnapping, 2 counts of sexual assault in the first degree and other various charges. That is what and who we deal with on a daily basis. That is what sets us apart from a clerk or an administrator. Our jobs have different dynamics and needs that should be properly addressed and having our own bargaining unit would allow that.

I swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii. I am a sworn law enforcement officer that voluntarily chose to answer my calling to serve. Serve "the people", serve the public, and serve the State of Hawaii to the best of my ability. I humbly and respectfully request that you allow us the opportunity to grow into the productive and successful future that lies ahead. Bargaining Unit 14 is that path.

Thank you for the opportunity to allow us to further grow and succeed, Aloha.

Deputy Sheriff Cain Amemiya

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**SB883**

Submitted on: 2/19/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Deven English	Sheriffs	Support	No

Comments: I fully support this bill.

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**SB883**

Submitted on: 2/19/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Eckart	Individual	Support	No

**Comments:**

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SB883

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lanikoa K. Dobrowolsky	Individual	Support	Yes

Comments: Chair Hee & members of the committee I strongly support SB883. I am a Deputy Sheriff IV (Lieutenant) with the State of Hawaii Sheriff's Division. Throughout my almost 20 years of service with the State of Hawaii, we have found it difficult to bargain for the necessary resources and training for our law enforcement officers. The creation of unit 14 will allow us to ensure our deputies are outfitted with protective and lifesaving equipment as well as required training meant to enhance public safety. HGEA units 3&4 are fine organizations populated by professionals, but the classifications and needs of those professions are extremely different then ours. Without a strong voice within those units, our needs are more often then not overlooked. I humbly ask for your support in passing this bill.

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michael DeCenzo	Individual	Support	No

Comments: I fully support this bill and ask this committee to also support this bill.  
Thank you.

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Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair

To whom it may concern,

I wanted to take this opportunity to voice my support for SB 883. This bill affords state law enforcement officers the opportunity for what I believe is the first time in the states history of a separate bargaining unit dedicated to law enforcement and water safety. Until now state law enforcement has been relegated to bargaining unit 3 with thousands of white collar employees in a unit that has had little to no understanding or appreciation of the job of law enforcement here in Hawaii. Creating a new bargaining unit will be a huge step forward in our ability to address our concerns and create a voice for us that has until now been sorely lacking. I urge all of you to please support us in this matter. Thank you for your time and consideration.

V/r,  
Michael Hirst

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**SB883**

Submitted on: 2/19/2013

Testimony for WAM on Feb 21, 2013 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Munroe	Individual	Support	No

Comments: I support this bill to create a new bargaining unit for state law enforcement.

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**SB883**

Submitted on: 2/20/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Reid Ogata	Individual	Support	No

**Comments:**

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**SB883**

Submitted on: 2/19/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Robin Nagamine	Individual	Support	Yes

**Comments:**

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