

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
FINANCE**

**Wednesday, March 28, 2013  
4:00 p.m.  
State Capitol, Conference Room 308**

**In consideration of  
SENATE BILL 883, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO COLLECTIVE BARGAINING**

Senate Bill 883, Senate Draft 2, House Draft 1 proposes the creation of a new bargaining unit for first responders, including state law enforcement officers and state and county ocean safety and water safety officers. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

The Department believes that due to the specialized nature of the work of its Conservation and Resources Enforcement Officers, representation created by a bargaining unit as proposed by this bill would be enhanced.

The Department looks forward to further meetings with the union and other interested parties to discuss the issues raised by this proposal.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**LATE**



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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

**LATE**

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

Testimony by  
Hawaii Government Employees Association  
March 27, 2013

S.B. 883, S.D. 2, H.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. 2, H.D. 1 which creates a new bargaining unit 14 for state law enforcement officers and state and county ocean safety officers, with a proposed technical amendment to Section 1 of H.D. 1, for clarification purposes, as delineated below. 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, we respectfully propose Section 1 of S.B. 883, S.D. 2, H.D. 1 to be amended to read (language to be deleted has been bracketed and stricken):**

*“SECTION 1. The purpose of this Act is to establish a new collective bargaining unit to represent [~~first responder employees within the State and counties. First responder employees shall include~~] 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 technical amendment to Section 1, for clarification.

Respectfully submitted,

  
Randy Perreira  
Executive Director



**LATE**

HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2012

COMMITTEE ON FINANCE  
Representative Sylvia Luke, Chair

3/27/13  
Rm. 308, 4:00 PM

SB 883, SD 2, HD 1  
Relating to Collective Bargaining

Chair Luke and members of the Finance Committee, my name is Max Sword, here on behalf of Outrigger Hotels Hawaii in support of this bill.

Outrigger Hotels has always been appreciative of the service that the County Ocean Safety Division and Water Safety Officers provide to our visitors to Hawaii and support these public servants in their efforts to make the ocean around us as safe as possible.

They are an important component to our safety and as first responders to the needs of our community and visitors in and around the ocean, they need to be recognized by providing them with their own bargaining unit, which this bill provides.

We urge your favorable disposition of this bill and thank you for allowing me to testify.

**LATE**

**SB883**

Submitted on: 3/26/2013

Testimony for FIN on Mar 27, 2013 16:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lt. Mihael Oakland	Individual	Support	No

Comments: Aloha Chair, Vice Chair and members of the committee: I am Lt. Mike Oakland and I am in STRONG SUPPORT of this measure. I would like to ask that this bill keep the effective date of July 2013 and request that IF the Senate agrees to forgo conf committee and after it passes in your committee that both House and Senate agree to floor votes and to send it to the Governor ASAP. If there are any questions please do not hesitate to contact me. Mahalo Nui Loa, Lt. Michael Oakland, Commander Airport Patrol Section, Sheriff Division Honolulu International Airport, Kalaeloa and Dillingham Airfields

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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**LATE**

**SB883**

Submitted on: 3/27/2013

Testimony for FIN on Mar 27, 2013 16:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CHESTER KAU	Individual	Support	No

Comments:

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Reid Ogata	Individual	Support	No

Comments:

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen HUYNH		Support	No

Comments:

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**LATE**

March 27, 2013

SB 883, SD1

Creates new Bargaining Unit 14

I support the creation of Bargaining Unit 14.

Sincerely,

Maile Etherton

**LATE**

**SB883**

Submitted on: 3/26/2013

Testimony for FIN on Mar 27, 2013 16:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cary Kayama	Individual	Support	No

Comments: I support bargaining unit-14. These public safety officers deserve to be recognized for the job they do.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Lamke	Individual	Support	No

Comments: Dear Chair Luke and Members of the Finance Committee. I stongly support this bill. As a Supervisor for the Honolulu Ocean Safety and Lifeguard Services Division I belive this bill will give proper representation to the unbelive men and women providing this ever changing service to the residents and visitor of our islands.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deven English	Sheriffs	Support	No

Comments: I support this bill

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**LATE**

Monty Downs, M.D.  
160 Lani Alii Place  
Kapa'a, HI 96746  
wmdowns2000@yahoo.com

3/27/13

The Honorable Sylvia Luke, Chair  
The Honorable Scott Nishimoto, Vice Chair  
House Committee on Finance

## TESTIMONY IN SUPPORT OF SB 883, proposed S.D. 1

Dear Chair Luke, Vice-Chair Nishimoto, and Members:

This Bill, if passed through, will create an HGEA Unit 14 for State Law Enforcement Officers, and for Water Safety Officers/Ocean Safety Officers (WSO's and OSO's). I am knowledgeable about issues involved with WSO's and OSO's, and my testimony will be oriented towards that aspect of this Bill.

I am testifying both as an individual (a Wilcox Hospital ER doctor since 1972) and also as President of the Kauai Lifeguard Association.

What I have witnessed in my ER career has led me to become a #1 fan of our Lifeguards (a.k.a. WSO's here on Kaua'i and Oahu and the Big Island, OSO's on Maui. From this point on I'll keep things simple and refer to all our Lifeguards as WSO's).

Back in the 1970's, WSO's were arbitrarily – for lack, as I understand it, of a better place to assign them – put into HGEA Bargaining Unit 3, a Unit consisting of 15,000+ “white collar non-supervisors.” Since the 1970's, the WSO's job complexity and expectation has grown such that the job is pretty much unrecognizable from those early days. Back then, a WSO brought his lunchbox and sat in a tower at a County Beach Park and guarded the beach in front of him. Now -- with Jetski's with their rescue sleds, with ATV's, with being an integral part of the 911 system -- WSO's are expected to respond to incidents that may take place miles away from their Tower. Unlike other Unit 3 members, they are subject to drug and alcohol testing, and also they are designated to function as essential employees during emergency situations.

Our WSO's have accepted this job expansion with great skill and Aloha . They are international legends. But, they have not received a salary increase commensurate with this increase in their job description and job demand. For example, on Kauai, their salary at year 5 is less than a McDonald's worker at Year 5.

Trying to negotiate a salary increase while being in Unit 3 – a group of around 400 WSO's in the midst of a Unit of around 15,000 members – has proven to be pretty

much impossible, unless our economy is in a position which allows a raise for all 15,000. And this is the reason for my strong support of SB 883, Proposed S.D.1. By being in their own Bargaining Unit, at least the WSO's will have a chance to have their issues and circumstances reviewed and addressed. We all, WSO's included, are well aware that being heard in this way will not, in this economy, guarantee an immediate fix, i.e. a salary increase. The nuts and bolts of improved (and appropriate!) compensation will be worked out over years to come. But at least the avenue will exist.

Giving our WSO's a voice: That to me is a huge step forward in allowing our people -- including our leaders such as yourselves -- to say "Thank You, men and women of Ocean Safety. You have done a remarkable job not only of watching over us and our families, but also of being our ambassadors. We in turn will work hard to support you."

And, I thank you, Leaders and Members of the Finance Committee, for reviewing my testimony and for considering SB 883, Proposed S.D.1. I respectfully urge you to move the bill forward from your Committee and -- when possible -- to continue to shepherd it through future Committees and deliberations.

Sincerely Yours,

Monty Downs, M.D.  
Kapa'a, Kauai

**LATE**

**SB883**

Submitted on: 3/27/2013

Testimony for FIN on Mar 27, 2013 16:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick K. Kawai	Individual	Support	No

Comments:

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**LATE**

**SB883**

Submitted on: 3/27/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Moses	Dept of Public Safety/Sheriffs-Hilo Section	Support	No

Comments: I believe that we (First Responders) need to have our own bargaining unit and be seperated from Unit #3 which have mostly Clerical positions. We service our public differently and have greater needs to help keep the public safe. Our jobs are dangerous and I believe we should have support to help not only protect us, but also help fulfill our needs as First Responders! Please pass this bill so we can start moving foward in being a better and stronger unit! Thank you very much, Deputy Sheriff Gerard Moses

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