

**SB3038**

**LATE**

**TESTIMONY**

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January 30, 2014

TO: The Honorable Clayton Hee Chair  
The Honorable Maile Shimabukuro Vice-Chair  
Members of the Senate Committee on Judiciary & Labor

Date: Friday, January 31, 2014  
Time 10:30 a.m.  
Place: Conference Room 016, 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 any hearing notice to the parties participating in a Board hearing 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 any hearing notice to the parties participating in a Board hearing by electronic service through a company designated by the board.

Beginning February 17, 2014, the Board will be offering an electronic filing service<sup>1</sup> through File and ServeXpress to parties in cases under Chapter 89, HRS. The parties who register with this service will be agreeing to be served electronically through this system. It would be more efficient and cost effective for the Board to be able to serve hearing notices to those registered parties. If a party is not registered with the electronic filing system, 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.

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<sup>1</sup> Similar to the electronic filing services of the Hawaii's Intermediate Court of Appeals and the federal courts.