

SB 3076

Measure Title:	RELATING TO COLLECTIVE BARGAINING RIGHTS OF INDEPENDENT DIRECT SUPPORT PROVIDERS.
Report Title:	Collective Bargaining; Independent Direct Support Providers
Description:	Enables independent direct support providers to engage in collective bargaining with the State.
Companion:	<u>HB2424</u>
Package:	None
Current Referral:	HMS/JDL, WAM
Introducer(s):	BAKER, Hee

NEIL ABERCROMBIE
GOVERNOR



NEIL DIETZ
CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
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February 7, 2014

TO: Senator Suzanne Chun Oakland, Chair, Committee on Human Services; and
Senator Clayton Hee, Chair, Committee on Judiciary and Labor

FROM: Neil Dietz, Chief Negotiator *Neil Dietz*

RE: SB 3076

The Office of Collective Bargaining respectfully enters this testimony expressing serious reservations with the provisions of SB 3076 as proposed.

The mechanisms and procedures set forth in SB 3076 do not promote or enhance an efficient process of collective bargaining.

For example, the provision for “fact finding” in dispute resolution had been included in the process of Hawaii’s public sector collective bargaining in bygone years. The Legislature eliminated such “fact finding” requirements in the interests of a less cumbersome dispute resolution process. Accordingly, the Office of Collective Bargaining has serious reservations about re-instituting a process that was found to not work efficiently in Hawaii’s public sector collective bargaining experience.

SB 3076 mandates that the Hawaii Labor Relations Board shall adjudicate grievance and interest disputes between the collective bargaining parties. By mandating these specific provisions, the parties are prohibited from developing dispute resolution processes that are mutually agreeable and ostensibly more appropriate for the relationship between the parties and responsive to the bargaining unit.

SB 3076 does not address what right(s) of access, if any, as a result of a collective bargaining relationship, an exclusive representative of independent support providers would have to the independent support provider’s physical workplace. Nor does SB 3076 delineate what right of access, if any, an exclusive representative of independent support providers would have to meet with, confer with, demand information from (etc.) a service recipient.

The Office of Collective Bargaining cannot support SB 3076 as proposed and asks your committees to defer further action.

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON HUMAN SERVICES
AND JUDICIARY AND LABOR
ON
SENATE BILL NO. 3076

February 10, 2014

RELATING TO COLLECTIVE BARGAINING RIGHTS OF INDEPENDENT DIRECT
SUPPORT PROVIDERS

This measure amends the Hawaii Revised Statutes by adding a new chapter enabling independent direct support providers to engage in collective bargaining with the State.

The Department of Budget and Finance has concerns about entering into collective bargaining with particular types of independent contractors, a completely new area for the State, without sufficient study first. Appropriate due diligence should include thoroughly identifying the costs, benefits, alternative mechanisms for implementing such a process, and identifying as much possible risk factors or unintended consequences as possible.

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Submitted on: 2/6/2014

Testimony for HMS/JDL on Feb 10, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Oppose	No

Comments: Senators, Mahalo for allowing this testimony in STRONG OPPOSITION to this measure. I do not support the proliferation of Collective Bargaining in the State of Hawai'i. As a non-union member in an organization "covered" by a collective bargaining agreement, I am compelled to give up a part of my salary to the "Union" when I do not feel they represent my best interests. Over the past year, one or two people filed a grievance regarding progressive changes to work flow and education in the organization where I currently work. Because of these 2 individuals, dozens of others were impacted negatively when management was forced to revert to outdated workload calculations. Discussion was held in numerous forums to address the movement towards a better working environment for the majority. During these meetings, a few people were intimidating and demeaning to the larger group. When this was brought to the attention of the Union, nothing was done to address hostile actions in the meetings, but the Union representatives bogged down the improvements in the system based on 1 or 2 people who had another agenda than improving workflow and work assignments. At one point in our Nation's history, I do believe there was a purpose for Unions to protect workers from abuse and unfair treatment. Today, I see Unions as outdated and unnecessary...and at times, obstructive. There are many worker and consumer protections available today and I do not see the need to expand the presence of Collective Bargaining units in Hawai'i. I appreciate your time and consideration to my comments in OPPOSITION to this measure.