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February 9, 2014

TO: The Honorable Suzanne Chun Oakland Chair
The Honorable Josh Green Vice-Chair
Members of the Committee on Human Services

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

Date: Monday, February 10, 2014
Time 10:00 a.m.
Place: Conference Room 016, State Capitol

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

RE: SB No. 3076 Relating to Collective Bargaining Rights of
Independent Service Providers

I. OVERVIEW OF PROPOSED LEGISLATION

This bill provides limited collective bargaining rights to independent service providers.

II. CURRENT LAW

None

III. COMMENTS

The HLRB takes **no position on this bill**, but makes the following comments.

The Board notes similarities in the bill to many functions that the Board had pre-2000 during a period when the Board had nine employees and a larger budget. However, since 1997, the Board has lost an attorney and a paralegal and its budget has shrunk considerably.

Accordingly, the Board requests the following additional positions and funds to carry-out the required Board functions in this bill.

- 1) An attorney and a paralegal.
- 2) Additional money for transcripts required in § -8b. The Board currently records all hearings and due to budget constraints pays for a transcript when a case is appealed.
- 3) Additional money for witness and mileage fees required in § -8c. Currently, the party who subpoenas a witness pays the witness and mileage fees.

The Board currently has about 150 pending cases from 2003-present. The Board is currently recruiting to fill a hearings officer position which the legislature funded beginning this year. The hearings officer position will focus on the card check rules and the additional workload that will be generated by these rules, in addition to the Board's present cases.

This bill will no doubt add to the Board's current workload and additional positions and money will assist the Board in carrying-out the bill's intent.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Twenty-Seventh Legislature, State of Hawaii
The Senate
Committee on Human Services
Committee on Judiciary and Labor

Testimony by
Hawaii Government Employees Association
February 10, 2014

**S.B. 3076 – RELATING TO COLLECTIVE BARGAINING
RIGHTS OF INDEPENDENT DIRECT SUPPORT PROVIDERS**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 3076, which enables independent direct support providers to engage in limited collective bargaining with the State. Independent direct support providers provide vital services to the elderly population and people with disabilities, which enable those in need to sustain their independence and continue living in their own homes. There is a shortage of homecare workers across the nation as well as in Hawaii. This shortage, coupled with low salaries, high turnover and a lack of standardized training, poses increasing challenges to ensuring quality delivery.

As outlined in S.B. 3076, a support provider --- any individual who provides home and community based services to a service recipient and is employed by the service recipient, via their exclusive representative, would have the right to bargain on compensation rates, workforce benefits, payment methods and procedures, professional training and development, and a grievance process to settle disputes against the state. The proposed legislation establishes the framework to unionize and recognizes independent direct support providers' right to organize. The Legislature of Vermont passed similar language in 2013, allowing homecare workers to form a union.

Thank you for the opportunity to testify in support of the above legislation.

Respectfully submitted,

Randy Perreira
Executive Director