

SB3098

LATE

TESTIMONY



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 Judiciary and Labor

Testimony by
Hawaii Government Employees Association
January 31, 2014

S.B. 3098 – RELATING TO
PUBLIC COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the purpose and intent of many sections contained in S.B. 3098 and raises grave concerns about the proposed amendments to Ch. 658A, Hawaii Revised Statutes, the Uniform Arbitration Act. Among other changes, S.B. 3098 seeks to decrease a public grievance arbitrator's authority to order additional discovery, prohibits a public grievance arbitrator from awarding punitive damages, attorneys' fees and costs, and limits the compensation owed to an arbitrator.

Section 1 of S.B. 3098 states that the purpose of this Act is “to restore the grievance arbitration process under a public collective bargaining agreement to a simplified system that provides a quick, just, and cost-effective resolution to conflicts between public employers and employees,” yet the stated purpose and intent of this measure can be achieved with agreement between the Employer and the Exclusive Representative, as opposed to imposing statutory mandates. Our Collective Bargaining Agreements provide the scope of an Arbitrator’s authority and govern how the Arbitrator’s fees & additional costs will be paid by the parties. In addition, there is no language that precludes the Employer and the Exclusive Representative from mutually agreeing on an expedited arbitration proceeding, which could result in quicker resolutions and cost savings for both parties.

We raise particular concern to the sections of S.B. 3098 regarding limitations on discovery, punitive damages & attorney’s fees, and the caps on an Arbitrator’s total compensation. In some grievance arbitration cases, extensive discovery is necessary to assess the merits of the case. Additionally, there have been instances where the Employer has refused and/or failed to provide information to the Union’s requests. In these situations, the Arbitrator plays a critical role in resolving the dispute and should have the authority and flexibility to issue orders that ensures a fair arbitration. Similarly, Arbitrators should have the authority and broad discretion to order remedies deemed just and appropriate under the specific circumstances of the case. The language contained on page 4, lines 4 – 19, proposes to place a cap on the “total compensation for a grievance,” which is ambiguous and undefined. Imposing arbitrary limitations on the process, with disregard to the many varying factors that affect the cost of arbitration – subject matter, number of witnesses, exhibits, and complexity of issues being disputed, among others – infringes on our members’ right to a fair and informed hearing and is a disservice to both parties.

S.B. 3098 proposes to make specific sections of Chapter 658A applicable only to public sector grievance arbitrations; however, all arbitrations should be subject to the rights and protections of the Uniform Arbitration Act. We respectfully request the committee to defer action on this measure. Thank you for the opportunity to raise strong concerns to the language contained in S.B. 3098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Perreira', written over the typed name below.

Randy Perreira
Executive Director



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1566 FAX: (808) 952-6003
WEBSITE: www.hawaii firefighters.org

The Senate
Twenty-Seventh Legislature
Committee on Judiciary and Labor
January 31 2014

Testimony by
Hawaii Fire Fighters Association

S.B. No. 3098 Relating to Public Collective Bargaining

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO. The HFFA represents approximately 2,100 active-duty professional fire fighters throughout the State. HFFA opposes S.B. No. 3098 which unduly interferes in the public employees' collectively-bargained grievance arbitration process.

As you know, the arbitration process is the final step for HFFA to resolve grievances on behalf our members. Each bargaining unit's contract addresses the conditions of employment and other benefits particular to their members. S.B. No. 3098 does not take into account the complexities which may be associated with the particulars of the grievance based on the individual contract and sets arbitrary conditions on the arbitrator, unions, and employers in the process.

HFFA respectfully request the Committee to hold S.B. No. 3098.