

**SCR110**

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**HAWAII LABOR RELATIONS BOARD**  
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March 19, 2014

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

Date: Friday, March 21, 2014  
Time 10:15 a.m.  
Place: Conference Room 016, State Capitol

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

RE: SCR 110/SR 59 REQUESTING THE HAWAII LABOR RELATIONS BOARD TO CONDUCT AN INVESTIGATION INTO THE GRIEVANCE ARBITRATION PROCESS IN PUBLIC COLLECTIVE BARGAINING

**I. OVERVIEW OF PROPOSED RESOLUTION**

The purpose of this resolution is to request the Hawaii Labor Relations Board to conduct an investigation into the grievance arbitration process in public collective bargaining.

**II. COMMENTS**

The Board supports the intent of the resolution and accepts the request to investigate the grievance arbitration process as this is in keeping with the Board's duties pursuant to § 89-5(i)(8).

Thank you for allowing us the opportunity to testify in support of this resolution.



Senate Committee on Judiciary and Labor  
Friday, March 21, 2014  
10:15 a.m.

**S.C.R. 110 and S.R. 59, Requesting the Hawaii Labor Relations Board to Conduct an Investigation into the Grievance Arbitration Process in Public Collective Bargaining.**

Dear Committee Chairman Hee and Committee Members:

The University of Hawaii Professional Assembly (UHPA) agrees the sentiment expressed in S.C.R. 110 and S.R. 59 attributable to Mr. Tsukiyama is valid. However, the cure, which is a study conducted by the Hawaii Labor Relations Board, does not resolve the fundamental problem of legalism and attorney participation in the grievance arbitration process. The parties to a contract currently may negotiate a streamlined arbitration process that will meet the unique needs of the parties. This resolution seeks to take one situation with the Hawaii State Teachers Association (HSTA) and assume that it has general application to all.

UHPA further notes that reliance on more formalized arbitration process could be diminished should there be a labor exemption to the Uniform Arbitration Act.

The path to changing the grievance arbitration process is already in the hands of the public employers and public sector unions. UHPA urges the committee to defer this resolution.

Respectfully submitted,

Kristeen Hanselman  
Associate Executive Director

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