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TESTIMONY



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

Testimony by
Hawaii Government Employees Association
March 21, 2014

S.C.R. 110/S.R. 59 – REQUESTING THE HAWAII LABOR
RELATIONS BOARD TO CONDUCT AN INVESTIGATION INTO
THE GRIEVANCE ARBITRATION PROCESS IN PUBLIC
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments to S.C.R. 110 and S.R. 59, which requests the Hawaii Labor Relations Board (HLRB) to conduct an investigation into the grievance arbitration process in public collective bargaining.

Although there are general similarities among them, public sector collective bargaining agreements vary immensely and are based on the specific needs of the group of employees it represents. Our organization represents eight of the fourteen units – ranging from clerical support staff to nurses, surveyors to sheriffs, school principals and maintenance supervisors – and each contract uniquely differs from the others. Given this, the types, duration, intricacies and circumstances of grievances are diverse and greatly vary depending on the particular bargaining unit, member occupation and position description, and contract period. The complexity of a case influences the duration of an arbitration proceeding, as the length is dependent upon the number of witnesses and exhibits introduced by both parties. While it may be possible to statistically quantify the requested information -- average process from filing an initial grievance to selection of an arbitrator, length of time between selection of an arbitrator to the commencement of hearing, number of days it takes to hear a case, amounts of time to render decisions and the frequency and reasoning of appeals – it will be difficult to accurately compare or juxtapose the data, since every case varies in complexity and contract violation.

Due to the voluminous amount of research this will require, we respectfully question if the HLRB has the staffing capacity to execute what will be a comprehensive and dense investigation, especially given the current backlog on rendering decisions. Lastly, per Chapter 89, Hawaii Revised Statutes, the grievance procedure is a negotiable item, contained within the bounds of collective bargaining agreements. Should the HLRB investigation result in any recommendations to modify or amend the grievance process, the recommendations must be mutually agreed upon by the Employer and the Exclusive Representative, outside the scope of legislative action.

Thank you for the opportunity to provide comments to S.C.R. 110 and S.R. 59.

Respectfully submitted,


Randy Perreira
Executive Director