
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 "(f) The following individuals shall not be included in
4 any appropriate bargaining unit or be entitled to coverage under
5 this chapter:

6 (1) Elected or appointed official;

7 (2) Member of any board or commission; provided that
8 nothing in this paragraph shall prohibit a member of a
9 collective bargaining unit from serving on a governing
10 board of a charter school, on the state public charter
11 school commission, or as a charter school authorizer
12 established under chapter 302D;

13 (3) Top-level managerial and administrative personnel,
14 including the department head, deputy or assistant to
15 a department head, administrative officer, director,
16 or chief of a state or county agency or major
17 division, and legal counsel;



H.B. NO. 1619

- 1 (4) Secretary to top-level managerial and administrative
- 2 personnel under paragraph (3);
- 3 (5) Individual concerned with confidential matters
- 4 affecting employee-employer relations;
- 5 (6) Part-time employee working less than twenty hours per
- 6 week, except part-time employees included in unit (5);
- 7 (7) Temporary employee of three months' duration or less;
- 8 (8) Employee of the executive office of the governor or a
- 9 household employee at Washington Place;
- 10 (9) Employee of the executive office of the lieutenant
- 11 governor;
- 12 (10) Employee of the executive office of the mayor;
- 13 (11) Staff of the legislative branch of the State;
- 14 (12) Staff of the legislative branches of the counties,
- 15 except employees of the clerks' offices of the
- 16 counties;
- 17 (13) Any commissioned and enlisted personnel of the Hawaii
- 18 national guard;
- 19 (14) Inmate, kokua, patient, ward, or student of a state
- 20 institution;
- 21 (15) Student help;



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- 1 (16) Staff of the Hawaii labor relations board;
- 2 (17) Employees of the Hawaii national guard youth challenge
- 3 academy; [~~or~~]
- 4 (18) Employees of the office of elections [-]; or
- 5 (19) Athletic coaches and assistant coaches of the
- 6 University of Hawaii hired on or after the effective
- 7 date of Act , Session Laws of Hawaii 2016."

8 SECTION 2. This Act does not affect rights and duties that
 9 matured, penalties that were incurred, and proceedings that were
 10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2016.

14

INTRODUCED BY:

Calvin K. Au
 (By Request)

JAN 19 2016



H.B. NO. 1619

Report Title:

Collective Bargaining Units; UH Athletic Coaches

Description:

Excludes athletic coaches and athletic assistant coaches employed by the University of Hawaii from collective bargaining.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON HIGHER EDUCATION
ON
HOUSE BILL NO. 1619

February 2, 2016

RELATING TO COLLECTIVE BARGAINING

This exempts athletic coaches and assistant coaches employed by the University of Hawaii (UH) from collective bargaining by amending Chapter 89-6, HRS.

The Department of Budget and Finance supports the intent of this measure. Exempting these executive-level employees from collective bargaining would allow the UH to operate more efficiently.

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Higher Education

Testimony by
Dave Shoji
Head Women's Volleyball Coach with the University of Hawaii at Manoa
Hawaii Government Employee's Association Member

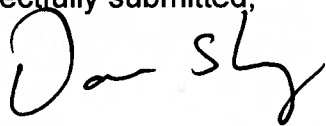
February 2, 2016, 2 pm

HB 1619 - RELATING TO COLLECTIVE BARGAINING

I am an employee at the University of Hawaii and have been a member of my bargaining unit since 1981. I appreciate the work that my Union has done and strongly oppose HB 1619, which excludes athletic coaches and athletic assistant coaches employed by the University of Hawaii from collective bargaining.

Thank you for the opportunity to testify in opposition of H.B. 1619. I respectfully request that this measure be deferred.

Respectfully submitted,

A handwritten signature in black ink that reads "Dave Shoji". The signature is written in a cursive style with a large, looped "D" and a long, sweeping "y" at the end.

Dave Shoji



UNIVERSITY OF HAWAII SYSTEM
Legislative Testimony

LATE

Written Testimony
Submitted to the
House Committee on Higher Education

Tuesday, February 2, 2016 at 2:00pm

By

Robert Bley-Vroman

Chancellor

and

David A. K. Matlin, Athletics Director

University of Hawai'i at Mānoa

HB 1619 – RELATING TO COLLECTIVE BARGAINING

Chair Choy, Vice Chair Ichiyama, and members of the committee:

Thank you for the opportunity to submit written testimony. The University of Hawai'i supports the intent of this bill. HB 1619 would exclude coaches and assistant coaches of the University of Hawai'i at Mānoa hired on or after the effective date of the act from collective bargaining. Our research indicates that we are the only National Collegiate Athletic Association (NCAA) Division I program where coaches are subject to collective bargaining. Negotiating and executing employment agreements for coaches is complicated by the fact that there are three parties participating; the University, the exclusive bargaining representative, and the Coach and/or the Coach's representative. With other universities, the negotiation is directly between the University and the Coach and/or the Coach's representative.

We work to be as efficient as possible within the current collective bargaining agreement. Additionally, the exclusive bargaining representative has made great effort to be accommodating related to negotiating employment agreements with our coaches. Still, the current process adds an extra party to the negotiation. Templates are developed for both the head and assistant coaching positions and approved by the University and the exclusive bargaining representative. Once approved, the template is used to open negotiations with each Coach and/or the Coach's representative. This negotiation frequently leads to proposed changes to the template, which requires additional time to gain agreement from all parties.

Our understanding is that coaches being part of collective bargaining unit dates back to the days when coaching position were part-time and the incumbent usually had other administrative, professional or technical responsibilities at the University. The duties and responsibilities of the head coaches are more consistent with the executive/managerial positions within UH rather than the supervisory levels found in collective bargaining. Their performance, retention and at-will employment are not consistent with collective bargaining positions. Today, intercollegiate athletics is a highly competitive environment with universities annually competing to attract and retain top coaching talent. Currently, at the University of Hawai'i at Mānoa, we are not in position to compete in base compensation with the highest levels of the NCAA Football Bowl Subdivision. Therefore, our ability to be efficient in negotiating employment agreements is important.

The University of Hawai'i welcomes the opportunity to continue the dialogue, if this committee decides to forward this measure. Thank you for your time and consideration of this testimony.



LATE

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

The House Committee on Higher Education
Tuesday, February 2, 2016
2:00 p.m.
Room 309

RE: HB1619, Relating to Collective Bargaining

Attention: Chair Isaac Choy, Vice Chair Linda Ichiyama and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) **strongly urges the committee to oppose HB1619** that would deny the right of a select group to have a voice in the workplace, receive protections of health and safety, job training and other work-related issues guaranteed by union membership.

This Bill penalizes a select group of unionized workers. Their Constitutional protections should not be denied.

UHPA opposes HB1619.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristeen Hanselman".

Kristeen Hanselman
Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

LATE

The Twenty-Eighth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Higher Education

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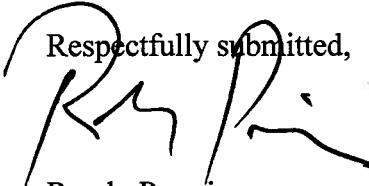
Testimony by
Hawaii State AFL-CIO
February 2, 2016

H.B. 1619 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly opposes H.B. 1619 which seeks to exclude athletic coaches and athletic assistant coaches employed by the University of Hawaii from collective bargaining.

Excluding coaches and potentially other employees from collective bargaining undermines the working class and further expands an economy that favors the rich while at the same time chipping away a middle-class that is barely hanging onto existence. We already know Hawaii's high cost of living can be a difficult challenge for many and conservative policies such as H.B. 1619 only add to that challenge. The discussion today shouldn't be about who to exclude from collective bargaining but rather the complete opposite – who to include into collective bargaining. We need an economy that lifts up the working class not an economy that benefits the few. It is actually quite simple – higher union density equals a stronger and healthier middle class. Further, coaches are just like teachers and professors. They teach their players on and off the field and teach their players valuable skills that help them mature and grow as young adults. As a result, we strongly oppose this measure and respectfully request the Committee on Higher Education to defer.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

LATE

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Higher Education

Testimony by
Hawaii Government Employees Association

February 2, 2016

H.B. 1619 - RELATING TO
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of H.B. 1619, which prospectively excludes athletic coaches and assistant coaches employed by the University of Hawaii from collective bargaining.

While we appreciate the Legislature's efforts to ensure financial transparency and stability within the University, we respectfully argue that it should not be achieved by stripping coaches and assistant coaches of their fundamental rights to bargain. With the exception of a few high profile coaches, the vast majority of coaches and assistant coaches work for a very modest salary and benefits package. Like their fellow Bargaining Unit 08 members, all coaches adhere to the articles and provisions contained in the mutually agreed upon collective bargaining agreement which outlines the grievance procedure, employment protections and benefits.

Maintaining the University of Hawaii head and assistant coaches' positions within the bargaining unit ensures that negotiations and conditions of employment are fair for both the employer and the employees.

Thank you for the opportunity to testify in strong opposition to H.B. 1619. We respectfully request this measure be deferred.

Respectfully submitted,

Randy Perreira
Executive Director