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February 10, 2016

TO: The Honorable Mark M. Nakashima, Chair
The Honorable Jarrett Keohokalole, Jr., Vice Chair
Honorable Members of the House Committee on Labor & Public Employment

DATE: February 12, 2016
TIME: 10:00 a.m.
PLACE: Conference Room 309
State Capitol Building

FROM: Kerry M. Komatsubara, Chair
Hawaii Labor Relations Board (HLRB)

Handwritten signature of Kerry M. Komatsubara in black ink.

RE: Testimony in Support of H.B. No. 2367
Relating to the Prevention of Unfair Labor Practices

I. OVERVIEW OF PROPOSED LEGISLATION

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) § 377-9 by clarifying that the HLRB may serve complaints and notices of hearings on parties by first class mail and also allow service by electronic means.

HLRB supports this Administration proposal.

II. COMMENTS

Section 377-9(b), HRS, requires unfair labor practice complaints to be served "by delivery to the person, or by mail or by **telegram**." This proposal deletes the reference to telegram and replaces it with electronic service, to keep up with changes in technology.

The Honorable Mark M. Nakashima, Chair
The Honorable Jarret Keohokalole, Vice Chair
Testimony in Support of H.B No. 2367
February 10, 2016
Page 2

Additionally, the proposal provides that notice of the hearing may be provided by written notice by first class mail or by electronic service through a company designated by the HLRB at least fifteen days before the hearing. This revision is similar to the language currently used in section 89-5.1, which governs collective bargaining in public employment, which is the public employment counterpart to the Hawaii Employment Relations Act.

Therefore, if the measure is enacted, the procedures before the HLRB will be identical whether the complaint involves an unfair labor practice under chapter 377, HRS, or a prohibited practice complaint under chapter 89, HRS.

The HLRB has already implemented an electronic filing system to save the HLRB and parties the cost of postage and paper, as well as accommodate parties who are not located on Oahu and who may be disadvantaged by having to mail documents.

Impact on the public: The electronic service of complaints and notices is a faster and less expensive way to provide notice to parties. The HLRB intends to provide in its administrative rules that a party not represented by counsel may elect to continue filing paper documents with the HLRB and continue to serve, and be served, paper copies of documents by mail.

Impact on the department and other agencies: The electronic service of complaints and notices is a faster and less expensive way to provide notice to parties. HLRB and the parties before it, including the legal offices of the governmental agencies practicing before HLRB (e.g., Department of the Attorney General, the corporation counsels of the four counties, the General Counsel of the University of Hawaii and the General Counsel for the Hawaii Health Systems Corporation) will avoid unnecessary postage expenses and gain clerical labor savings

Thank you for allowing the HLRB the opportunity to testify on this bill and HLRB request your support to pass this bill out of committee.

HLRB's representative is available for any questions.