

GM726

Measure Title: Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, SESNITA MOEPONO, for a term to expire 06-30-2023.
Report Title: Hawai'i Labor Relations Board
Description:
Companion:
Package:
Current Referral: LBR
Introducer(s):

<u>Sort by</u> <u>Date</u>	Status Text
4/3/2018	S Received.
4/3/2018	S Referred to LBR.
4/9/2018	S The committee(s) on LBR has scheduled a public hearing on 04-17-18 2:45PM in conference room 414.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

GM726

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

LEONARD HOSHIJO
INTERIM DIRECTOR, DLIR

VACANT
DEPUTY DIRECTOR, DLIR



MARCUS R. OSHIRO
BOARD CHAIR

SESNITA A.D. MOEPONO
BOARD MEMBER

J N. MUSTO, Ph. D
BOARD MEMBER

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD
830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813
Phone (808) 586-8610 / FAX (808) 586-8613
Email: dlir_laborboard@hawaii.gov

April 10, 2018

Senator Jill Tokuda, Chair
Senator J. Kalani English, Vice Chair, and
Members of the Senate Committee on Labor
Hawaii State Senate Labor Committee
415 S. Beretania Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Tokuda, Vice Chair English, and Committee Members,

Re: Governor's Message No. 726, Sesnita Moepono,
Hawaii Labor Relations Board. (Term to expire: 06-30-2023)

My name is Marcus Oshiro and I am the Chairman of the Hawaii Labor Relations Board. Please accept this letter in support of the confirmation of Ms. Sesnita Moepono to another term on the Hawaii Labor Relations Board (Board) for term to expire June 30, 2023.

As the newest member of the Board (October 2017), I have the great pleasure and opportunity to work alongside Ms. Moepono daily and found her to be a very independent and most knowledgeable member of the Board. She takes her job seriously and accords all parties equal respect, ever mindful of self-represented litigants' due process rights. Her analysis and comprehension of the facts of each case is exacting and consistent and although we may not find agreement on certain legal conclusion, I remain confident of her dispassionate application of the law to the facts.

Please keep in mind, that Ms. Moepono's roughly 7 years of experience makes her the most seasoned and experienced member of the current Board. And, her experience is repeatedly demonstrated by her insightfulness of statutory nuances and her quick remembrance of prior Board decisions and relevant appellate court precedents. I respectfully refer to my esteemed colleague as "Professor Moepono".

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Senator Jill Tokuda, Chair; Senator J. Kalani English, Vice-Chair; and Members of the Senate
Committee on Labor

April 10, 2018

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The Hawaii Revised Statutes, Section 89-5(c) provides in relevant part:

“Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated . . .”

Ms. Sesnita Moepono had continuously demonstrated her efficiency as a Board member for nearly seven years and her cumulative experience provides a strong foundation for reappointment and confirmation to the Hawaii Labor Relations Board that is most assuredly, in the public interest.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'M. Oshiro', written in a cursive style.

MARCUS R. OSHIRO
Chairman
Hawaii Labor Relations Board

GM-726

Submitted on: 4/9/2018 4:55:51 PM

Testimony for LBR on 4/17/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J N Musto	Individual	Support	Yes

Comments:

Committee Chair Tokuda and Vice Chair English, I stand in strong support of the confirmation of Sesnita Moepono to the Hawaii Labor Relations Board. The appointment of Board Member Moepono to a second term on the HLRB is in the best interest of our State. Having been a Board Member for almost two years, I have witnessed the critical leadership that Board Member Moepono has brought to the HLRB. She led the modernization of the Board's procedures and practices with her own personal knowledge of computer technology and applications. We rely upon her for institutional memory. In her deliberations over complaints or appeals coming before our Board from individuals, unions, or public and private employers, she has brought an especially keen understanding of the statutes over which the HLRB has jurisdiction, which has led to well-reasoned orders. She is our example as we seek to offer fairness, equity, and just in our decisions. She has earned my admiration and complete trust.

Respectfully submitted,

J. N. Musto, Ph.D., HLRB Board Member

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Respectfully submitted,

J. N. Musto, Ph.D., HLRB Board Member

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April 10, 2018

Senator Jill Tokuda, Chair
Senator J. Kalani English, Vice Chair, and
Members of the Senate Committee on Labor
Hawaii State Senate Labor Committee
415 S. Beretania Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Tokuda, Vice Chair English, and Committee Members:

Re: Governor's Message No. 726,
Sesnita Moepono, Hawaii Labor Relations Board

I am Linda Goto, hearings officer and a staff attorney for the Hawaii Labor Relations Board (HLRB). On behalf of the HLRB staff, which includes myself; Nora Ebata, Board secretary; and Milton Hirata, Board researcher, we respectfully and strongly support the confirmation of Sesnita Moepono as a member for the HLRB Board.

Ms. Moepono has been an HLRB Board member for the past six years and is the longest serving member of the present Board. We have had the privilege of working for Ms. Moepono for the past several years. The HLRB is tasked with the responsibilities of resolving, interpreting, and resolving disputes under Hawaii Revised Statutes (HRS) Chapters 89, the public sector collective bargaining law, and HRS Chapter 377, the state private sector collective bargaining law, and hearing and ruling on *de novo* appeals on citations issued under HRS Chapter 396, the state occupational safety and health law. During her tenure on the Board, Ms. Moepono has been a strong contributing and participatory Board member. Ms. Moepono has acquired a strong legal foundation for and working knowledge of each of these labor and employment laws and in administrative law and procedures under HRS Chapter 91. In hearing cases, Ms. Moepono maintains a positive judicial demeanor, accords each party respect, and seeks to ensure that each party is given the opportunity to present their position and fully exercise their due process rights. As a decision maker, she is deliberate and questioning endeavoring to thoroughly consider all the specific facts of each case, the positions of the parties, the perspectives of her fellow Board members, and then find, interpret, and apply the applicable law to reach her own conclusion on an issue.

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Senator Jill Tokuda, Chair; Senator J. Kalani English, Vice-Chair; and Members of the
Committee on Labor

April 10, 2018

PAGE 2

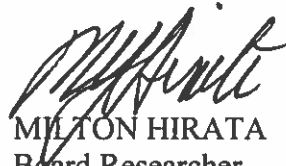
In addition to hearing and resolving HLRB cases, Ms. Moepono has focused on making the HLRB more accessible to individual employees, public employers, and the exclusive representatives and other unions in several respects. Ms. Moepono has been the “driving force” behind the HLRB’s efforts to modernize its operations through digitalizing the HLRB filing system and records. She was responsible for working with File and Serve Express to set up an electronic filing system (e-filing), free for all parties to our HLRB cases. This e-filing system has given the parties and their attorneys an easier, more convenient, and quicker way to file documents with the HLRB and serve other parties. This e-filing system particularly benefits Neighbor Island parties in two respects. First, Neighbor Island parties and attorneys can file and serve documents from anywhere in the State from the convenience of their home or office. Second, this e-filing system has enabled the Board to travel and hear cases on the Neighbor Islands because of the ability to access case files remotely. Further, Ms. Moepono has overseen the establishment of our internal digitalized case files and office records enabling the HLRB to move away from paper. Ms. Moepono was also instrumental in the adoption of the administrative rules implementing a “card check” procedure allowing the union to organize through an alternative process based on a showing of interest by signed authorization cards, rather than through an election.

Through her work with the HLRB, Ms. Moepono has developed an in-depth understanding of and demonstrated a deep commitment to the collective bargaining process and the health and safety of workers. This understanding and commitment, in addition to her judgment, based on her experience, expertise, and knowledge of state collective bargaining and occupational safety laws, will be indispensable to the future of the HLRB. We appreciate this opportunity to strongly support Ms. Moepono’s confirmation as a Board member of the HLRB.

Sincerely,



LINDA GOTO
Hearings Officer
Hawaii Labor Relations Board



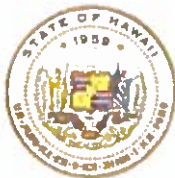
MILTON HIRATA
Board Researcher
Hawaii Labor Relations Board



NORA EBATA
Board Secretary
Hawaii Labor Relations Board

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT
GOVERNOR



DANNY J. VASCONCELLOS
CHAIR

MELANIE S. MATSUI
MEMBER

MARIE C. LADERTA
MEMBER

LABOR & INDUSTRIAL RELATIONS APPEALS BOARD
KEELIKOLANI BUILDING
830 PUNCHBOWL STREET, ROOM 404
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(808) 586-8600

April 9, 2018

The Honorable Jill N. Tokuda, Chair
Senate Committee on Labor
Hawaii State Capitol

Re: **GM 726 - Support for consideration and confirmation of
SESNITA MOEPONO, gubernatorial nominee as a
Member of the Hawaii Labor Relations Board (HLRB)**

Chair Tokuda and Members of the Committee:

As the executive officer of the Labor and Industrial Relations Appeals Board (LIRAB), another administratively-attached agency to the Department of Labor and Industrial Relations, I have had the privilege and opportunity to consult with and work alongside Ms. Sesnita Moepono on policies and initiatives affecting the department and our respective agencies.

Ms. Moepono has been a catalyst for effective change at the HLRB. She was an early proponent and adopter of electronic filing of documents and digitization of paper case files and records.

Ms. Moepono is also a fair-minded and pragmatic adjudicator whose wealth of experience at the legislature, in state government, and in private practice will continue to serve her well at HLRB. I am pleased to express my strong support of her confirmation and reappointment.

Sincerely,

Lily O.C. Ling
Executive Officer, LIRAB

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT
GOVERNOR



DANNY J. VASCONCELLOS
CHAIR

MELANIE S. MATSUI
MEMBER

MARIE C.L. LADERTA
MEMBER

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April 9, 2018

Senator Jill N. Tokuda, Chair
Senate Committee on Labor
Hawaii State Capitol, Room 202
415 South Beretania Street
Honolulu, HI 96813

Re: Nomination to the Hawaii Labor
Relations Board; GM No. 726

Dear Chair Tokuda and Members on the Senate Committee on Labor:

We strongly support the re-appointment of Sesnita Moepono as a member of the Hawaii Labor Relations Board.

Over the years, we have become familiar with Ms. Moepono's dedication to the Hawaii Labor Relations Board, the Department of Labor and Industrial Relations, and the State of Hawaii. She is an asset to the office and to the parties appearing before the board. We believe her to be extremely qualified to continue in her position.

Thank you very much for considering this written testimony in support of Ms. Moepono.

Very truly yours,

Marie C.L. Laderta

Melanie S. Matsui



888 Mililani Street, Suite 401
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000

www.hgea.org

The Twenty-Ninth Legislature, State of Hawaii
The Senate
Committee on Labor

Testimony by
Hawaii Government Employees Association

April 17, 2018

G.M. 726 – Submitting for consideration and
confirmation to the Hawaii Labor Relations Board,
Gubernatorial Nominee, SESNITA MOEPONO

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the nomination and re-appointment of Ms. Sesnita Moepono to serve on the Hawaii Labor Relations Board (HLRB). The HLRB's primary function is to interpret state collective bargaining law by balancing the rights of government employees and public unions to collectively bargain against the rights of the employer's ability to manage their operations. Additionally, the HLRB is charged with resolving labor disputes filed by and between employers, employees, and their unions.

Ms. Moepono has served on the HLRB since June 2011, where she adjudicated prohibited practice complaints and fairly deliberated on a number of important cases. Through her legislative experiences as the Chief of Staff to the Committee on Judiciary and Labor, CIP analyst for the Committee on Ways & Means, and staff attorney to the Committee on Water and Land, in conjunction with her service as the Deputy Administrator to the Office of Hawaiian Affairs and Coordinator for Legislation and Litigation to the Department of Public Safety, Ms. Moepono has the legal expertise and background to deliberate on complex labor relations cases. We believe that Ms. Moepono will continue to serve the Hawaii Labor Relations Board with distinction and honor.

For these reasons we offer our support for the re-appointment and confirmation of Sesnita Moepono to serve on the Hawaii Labor Relations Board.

Respectfully submitted,

Randy Perreira
Executive Director



The Senate Committee on Labor
Tuesday, April 17, 2018
Room 414
2:45 p.m.

RE: GM 726 Sesnita Moepono - Hawai'i Labor Relations Board

Attention: Chair Jill Tokuda, Vice Chair Kalani English and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) **supports the confirmation of Sesnita Moepono**, as a Representative of the Hawai'i Labor Relations Board.

Ms. Moepono has served as a member of this Board since her initial appointment in June 2011. In that time, she has demonstrated that she possesses the insight and creativity in meeting the changing nature of employer and employee relations in the public sector. Recent events speak to the necessity of the Hawaii Labor Relations Board having a member who can engage in new challenges coming from the federal and state courts.

Ms. Moepono's background as an attorney, working both at the legislature, and as a solo practitioner, provided her with a great foundation to serve in this capacity. In her role as a Board member, she has developed an understanding of Chapter 89, both from a technical and a historical perspective. Her understanding and grasp of Chapter 89 is important as we enter into one of the most critical junctures of public sector collective bargaining history.

UHPA urges the Committee to confirm Sesnita Moepono as a Representative of the Public of the Hawai'i Labor Relations Board.

Respectfully Submitted,

Kristeen Hanselman
Executive Director

**University of Hawaii
Professional Assembly**

GM-726

Submitted on: 4/9/2018 3:19:14 PM

Testimony for LBR on 4/17/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marie Laderta	Individual	Support	No

Comments:

I strongly urge this committee's confirmation of Sesnita Moepono to the Hawaii Labor Relations Board.

Marie Laderta, Member, Labor and Industrial Relations Appeals Board

GM-726

Submitted on: 4/14/2018 2:51:53 PM

Testimony for LBR on 4/17/2018 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	Individual	Support	No

Comments:

Senate Labor Committee & Honorable Committee Members

My name is Arvid T. Youngquist and a testimony in support is submitted for the confirmation on the following-

GM 726 Submitting for consideration and confirmation to the Hawai'i Labor Relations Board, Gubernatorial Nominee, SESNITA MOEPONO, for a term to expire 06-30-2023.

Thank you for your consideration.

Arvid T. Youngquist

Kalihi Valley Resident