

**HB 1787**

**RELATING TO  
COLLECTIVE  
BARGAINING**

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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1           SECTION 1. The legislature finds that each county council  
2 has a duty to appropriate funds for the salaries and benefits of  
3 county employees. Knowledge of bargaining unit negotiations and  
4 associated costs by county council members is essential for  
5 effective county financial planning.

6           The purpose of this Act is to allow a representative of  
7 each county council to be present as a nonvoting participant in  
8 negotiations with bargaining units if the relevant county has  
9 employees in the particular bargaining unit.

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

12           "(d) For the purpose of negotiating a collective  
13 bargaining agreement, the public employer of an appropriate  
14 bargaining unit shall mean the governor together with the  
15 following employers:

16           (1) For bargaining units (1), (2), (3), (4), (9), (10),  
17           (13), and (14), the governor shall have six votes and



1 the mayors, the chief justice, and the Hawaii health  
2 systems corporation board shall each have one vote if  
3 they have employees in the particular bargaining unit;  
4 provided that one representative from each county  
5 council shall be allowed to attend negotiations as a  
6 nonvoting participant if that county has employees in  
7 the particular bargaining unit;

8 (2) For bargaining units (11) and (12), the governor shall  
9 have four votes and the mayors shall each have one  
10 vote; provided that one representative from each  
11 county council shall be allowed to attend negotiations  
12 as a nonvoting participant if that county has  
13 employees in the particular bargaining unit;

14 (3) For bargaining units (5) and (6), the governor shall  
15 have three votes, the board of education shall have  
16 two votes, and the superintendent of education shall  
17 have one vote; and

18 (4) For bargaining units (7) and (8), the governor shall  
19 have three votes, the board of regents of the  
20 University of Hawaii shall have two votes, and the





# H.B. NO. 1787

**Report Title:**

Hawaii State Association of Counties Package; Collective Bargaining; County Council Representation

**Description:**

Allows a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit. Requires mayors to report collective bargaining unit negotiations to their respective county councils.

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



**HB 1787**

**TESTIMONY**



**STATE OF HAWAII  
OFFICE OF COLLECTIVE BARGAINING  
EXECUTIVE OFFICE OF THE GOVERNOR**  
235 S. BERETANIA STREET, SUITE 1201  
HONOLULU, HAWAII 96813-2437

February 6, 2018

TESTIMONY TO THE  
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
For Hearing on Thursday, February 8, 2018  
10:30 a.m., Conference Room 309

By

RYKER WADA  
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**House Bill No. 1787  
Relating to Collective Bargaining**

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT:

H.B. No. 1787 allows a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit. It also requires mayors to report collective bargaining unit negotiations to their respective county councils.

The Office of Collective Bargaining (OCB) has the following **comments**. The bill proposes to allow the county councils to attend negotiations which could confuse the traditional definition of separation of powers, whereby responsibilities are divided among the legislative and executive branches. Each county council has the final authority for negotiations based on the county council's authority to either appropriate or not appropriate funding to support the negotiated agreement.

Thank you for this opportunity to testify on this measure.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Arryl Kaneshiro  
Derek S.K. Kawakami  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

February 5, 2018

**TESTIMONY OF DEREK S.K. KAWAKAMI**  
**COUNCILMEMBER, KAUAI COUNTY COUNCIL**  
**ON**  
**HB 1787, RELATING TO COLLECTIVE BARGAINING**  
**House Committee on Labor & Public Employment**  
**Thursday, February 8, 2018**  
**10:30 a.m.**  
**Conference Room 309**

Dear Chair Johanson and Members of the Committee:

Thank you for this opportunity to provide testimony in strong support of HB 1787, Relating to Collective Bargaining. My testimony is submitted as Vice President of the Hawai'i State Association of Counties, and in my individual capacity as a member of the Kaua'i County Council and Chair of the Council's Economic Development & Intergovernmental Relations Committee.

HB 1787, Relating to Collective Bargaining, is included in the 2018 Hawai'i State Association of Counties Legislative Package. This measure will allow a representative of each county council to be present as a nonvoting participant during negotiations with bargaining units. The County Councils are responsible for establishing and adopting each fiscal year's budget for their respective counties, and having a representative present during negotiations enables both sides of the negotiating table to gain insight and knowledge affecting the requests being made.

For the reasons stated above, I urge the House Committee on Labor & Public Employment to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

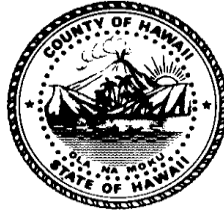
A handwritten signature in black ink, appearing to be "Derek S.K. Kawakami".

**DEREK S.K. KAWAKAMI**  
Councilmember, Kaua'i County Council

AMK:aa



**Eileen O'Hara**  
Council Member  
Council District 4



**Phone:** (808) 965-2712  
**Fax:** (808) 961-8912  
**Email:** eileen.ohara@hawaiicounty.gov

**Chair:** Environmental  
Management Committee

**Vice Chair:** Planning Committee and  
Agriculture, Water & Energy  
Sustainability Committee

**County of Hawaii**  
**Hawaii County Council**

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Representative Aaron Ling Johanson  
Chair, House Committee on Labor and Public Employment  
Hawai'i State House of Representatives

February 6, 2018

**Re: In Support of House Bill 1787, from Hawai'i County Council District 4**  
**To be heard by LAB on 02-08-18 10:30AM in House conference room 309**

Aloha Chair Johanson and Committee Members:

I'm writing to express my support for House Bill 1787, which allows a representative of each County Council to be present as a nonvoting participant in negotiations with bargaining units if the relevant County has employees in the particular bargaining unit.

I support allowing a representative from the County Council to participate in important union negotiations. I also support requiring the Mayor or their representative reporting back to their respective Councils, as they are already active participants, have a working understanding of the process, and advocate on behalf of the interests of the same constituents. Please contact me if you have any questions about my support.

Sincerely,

A handwritten signature in cursive script that reads "Eileen O'Hara".

Eileen O'Hara  
Council Member  
Council District 4

Council Chair  
Mike White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

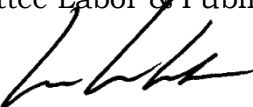
Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.MauiCounty.us

February 7, 2018

TO: The Honorable Aaron Ling Johanson, Chair  
House Committee Labor & Public Employment

FROM: Mike White  
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 8, 2018; TESTIMONY IN SUPPORT OF HB 1787, RELATING TO COLLECTIVE BARGAINING**

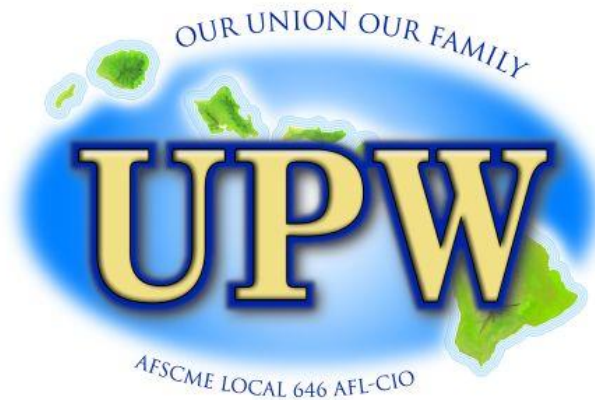
Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to allow a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit and requires mayors to report collective bargaining unit negotiations to their respective county councils.

This measure is included in the Hawaii State Association of Counties' Legislative Package. Therefore, I offer this testimony on behalf of the Maui County Council.

I **support** this measure for the following reasons:

1. The current collective bargaining process does not allow participation by county council representatives, despite being the appropriating body for cost items. Collective bargaining agreements arrive as a "done deal" before details and cost implications are shared with councils, leaving no ability to assess an agreement's impact on the counties' tax base and overall operations.
2. This measure would greatly improve the flow of collective bargaining information by allowing a county council representative to attend as a nonvoting participant if the respective county has employees in the particular bargaining unit and requires mayors to report the status of negotiations to the county councils. Like other pending sensitive matters, the information would be held in confidence and only shared in executive session, pursuant to HRS.
3. When costs impact the counties more than the State in negotiations, such as the case for police officers and firefighters, the counties should have equal or more votes in negotiations. This bill however, is a first step in greater levels of communication.

Mahalo for your consideration. For the foregoing reasons, I **support** this measure.



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Ninth Legislature  
Regular Session of 2018

COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
The Honorable Aaron Ling Johansen, Chair  
The Honorable Daniel Holt, Vice Chair

DATE OF HEARING: Thursday, February 8, 2018  
TIME OF HEARING: 10:30 a.m.  
PLACE OF HEARING: State Capitol  
415 South Beretania Street  
Conference Room 309

**TESTIMONY ON HOUSE BILL 1787**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers (UPW),  
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

HB1787 allows a representative of each county council to be present as a non-voting participant in negotiations with bargaining units if the relevant county has employees in the bargaining unit. The UPW strongly opposes this measure. This would contravene the spirit and intent of the separation of powers concept of our Democracy. It would also put a chill into the negotiations proceedings.

Thank you for the opportunity to submit this testimony.



**HB-1787**

Submitted on: 2/5/2018 5:40:12 PM

Testimony for LAB on 2/8/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Support	No

Comments:

**HB 1787**

**LATE  
TESTIMONY**

# Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu



**LATE**

February 7, 2018

TESTIMONY OF DRU KANUHA  
HSAC PRESIDENT

ON HB 1787, RELATING TO COLLECTIVE BARGAINING

Committee on Labor & Public Employment

Thursday, February 8, 2018

10:30 a.m.

Conference Room 309

Aloha Chair Johanson and Members of the Committee:

I thank you for the opportunity to testify on behalf of the Hawai'i State Association of Counties in **support** of House Bill 1787, relating to collective bargaining, which is included in the 2018 HSAC Legislative Package.

The purpose of this measure allows a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit, and requires mayors to report collective bargaining unit negotiations to their respective county councils.

County Councils have expressed frustration with the current process of approving collective bargaining agreements and related cost items because the councils have no part in negotiating and determining whether they are sustainable for the counties' taxpayer base. This measure would allow a county council representative to attend as a nonvoting participant if the respective county has employees in that particular bargaining unit. In addition, state government should have equal votes as the county mayors for negotiations involving police officers and firefighters, which are funded and operated under the jurisdiction of the counties.

HSAC supports this measure for the reasons stated above, and we urge the Committee on Labor and Public Employment to support this measure as well. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

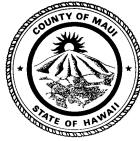
DRU KANUHA  
HSAC PRESIDENT

Council Chair  
Mike White

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Stacy Crivello

Councilmembers  
Alika Atay  
Elle Cochran  
Don S. Guzman  
Riki Hokama  
Kelly T. King  
Yuki Lei K. Sugimura



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[www.MauiCounty.us](http://www.MauiCounty.us)

February 7, 2018

TO: Honorable Aaron Ling Johanson, Chair  
House Committee on Labor & Public Employment

FROM: Stacy Crivello, Secretary *Stacy Crivello*  
Hawaii State Association of Counties

SUBJECT: **HEARING OF FEBRUARY 8, 2018; TESTIMONY IN SUPPORT OF HB 1787, RELATING TO COLLECTIVE BARGAINING**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to allow a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units, if the relevant county has employees in the particular bargaining unit, and to require mayors to report collective bargaining unit negotiations to their respective county councils.

This measure is included in the Hawaii State Association of Counties' ("HSAC") Legislative Package; therefore, I offer this testimony as HSAC's Secretary.

I am aware that the President of HSAC has submitted testimony, on behalf of HSAC, in support of this measure. As Secretary, I concur with the testimony submitted by the President, and urge you to **support** this measure.

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**LATE**