



The House Committee on Finance
Wednesday, February 28, 2018
11:00 AM, Conference Room 308

RE: **HB 1929, HD1 Relating to the Hawai'i Labor Relations Board**

Attention: Chair Sylvia Luke, Vice Chair Ty Cullen and members of the Committee

The University of Hawaii Professional Assembly (UHPA) **urges the committee to pass HB 1929, HD1**. HB 1929, HD1 recognizes there are circumstances that necessitate a proactive approach to allowing a duly established state entity, the Hawai'i Labor Relations Board, to have emergency rulemaking authority.

Based upon the anticipated 2018 US Supreme Court ruling in *Janus v. American Federation of State, County and Municipal Council 31*, US Supreme Court Docket No. 16-1466 the constitutional and statutory underpinnings of Hawaii public sector collective bargaining may be at risk. The proponents in *Janus* seek to undermine the financial ability of unions to effectively fulfill their statutory obligations of negotiations and representation. This outcome may also affect the ability of government to perform its duties as management and maintain an orderly set of operational policies.

Often when there are court decisions that call for statutory changes, it is the Legislature that is vested with the obligation and authority to comply with a given order. The challenge is when the Legislature is not in session and an event or series of circumstances are sufficiently harmful that immediate action to mitigate the damage is necessary. UHPA believes that the current circumstances presented by the *Janus* case, and its brethren which are making their way through the Federal Courts, may present immediate, important questions regarding the application of Chapter 89.

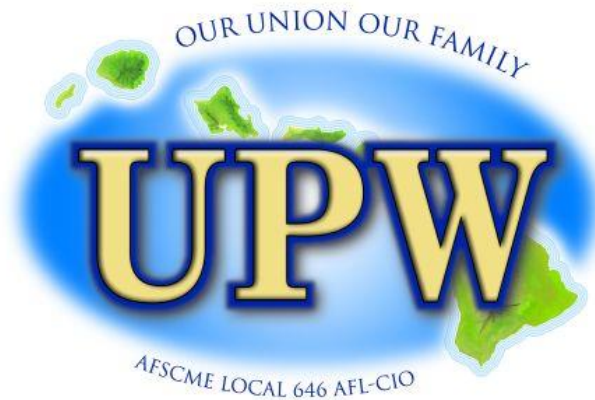
The Hawai'i Labor Relations Board is vested with resolving labor management disputes, interpreting the application of Chapter 89, and advising the legislature on matters covered by Chapter 89. It is within this context that HB 1929, HD1 requests that the HLRB be granted emergency rulemaking powers to be utilized when the need to act immediately is important to effectuating the values and goals of Hawai'i law.

Respectfully submitted,

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

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

DATE OF HEARING: Wednesday, February 28, 2018
TIME OF HEARING: 11:00 a.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 308

**TESTIMONY ON HOUSE BILL 1929 HD1 RELATING TO
HAWAII LABOR RELATIONS BOARD**

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.

HB1929 HD1 requires the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that Hawaii collective bargaining in public employment law, or the application thereof, is inconsistent with any federal or state law and the adoption of an emergency rule is urgently needed.

The uncertainty of legislation in the U.S. Congress, uncertainty of the rulings by the U.S. Supreme Court with respect to labor unions and employment issues, and the uncertainty of the rulings by the National Labor Relations Board makes HB1929 HD1 necessary for the working families of Hawaii. The UPW strongly supports this bill.

Thank you for the opportunity to submit this testimony.

HB-1929-HD-1

Submitted on: 2/27/2018 10:31:51 AM

Testimony for FIN on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: