

HB1929 HD1

Measure Title: RELATING TO THE HAWAII LABOR RELATIONS BOARD.
Report Title: Hawaii Labor Relations Board; Emergency Rulemaking
Description: Requires the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that Hawaii's Collective Bargaining in Public Employment Law, or its application, is inconsistent with any federal or state law and the adoption of an emergency rule is urgently needed. (HB1929 HD1)
Companion: [SB2372](#)
Package: None
Current Referral: LBR, WAM
Introducer(s): JOHANSON

<u>Sort by</u> <u>Date</u>		Status Text
1/19/2018	H	Pending introduction.
1/19/2018	H	Introduced and Pass First Reading.
1/22/2018	H	Referred to LAB, FIN, referral sheet 4
2/5/2018	H	Bill scheduled to be heard by LAB on Thursday, 02-08-18 10:30AM in House conference room 309.
2/8/2018	H	The committees on LAB recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Johanson, Holt, Evans, Ichiyama, Keohokalole, Yamashita, Matsumoto; Ayes with reservations: none; Noes: none; and Excused: none.
2/15/2018	H	Reported from LAB (Stand. Com. Rep. No. 467-18) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
2/15/2018	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with Representative(s) Ward voting aye with reservations; none voting no (0) and Representative(s) DeCoite, Ing, McDermott, Nakamura, Souki, Todd excused (6).
2/23/2018	H	Bill scheduled to be heard by FIN on Wednesday, 02-28-18 11:00AM in House conference room 308.
2/28/2018	H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 13 Ayes: Representative(s) Luke, Cullen, Cachola, DeCoite, Gates, Holt, Keohokalole, Lowen, Nakamura, Todd, Yamashita, Tupola; Ayes with reservations: Representative(s) Ward; Noes: none; and 2 Excused: Representative(s) Fukumoto, Kobayashi.
3/2/2018	H	Reported from FIN (Stand. Com. Rep. No. 981-18), recommending passage on Third Reading.
3/2/2018	H	Passed Third Reading with Representative(s) Tupola, Ward voting aye with reservations; none voting no (0) and Representative(s) Ing, San Buenaventura, Say, Yamane excused (4). Transmitted to Senate.
3/6/2018	S	Received from House (Hse. Com. No. 161).
3/6/2018	S	Passed First Reading.
3/6/2018	S	Referred to LBR, WAM.
3/9/2018	S	The committee(s) on LBR has scheduled a public hearing on 03-13-18 3:00PM in conference room 229.

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.

HB-1929-HD-1

Submitted on: 3/12/2018 2:56:30 PM

Testimony for LBR on 3/13/2018 3:00:00 PM

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

Comments:



LATE

The Senate Committee on Labor
Tuesday, March 13, 2018
3:00 PM, Conference Room 229

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

Attention: Chair Jill Tokua, Vice Chair J. Kalani English 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,

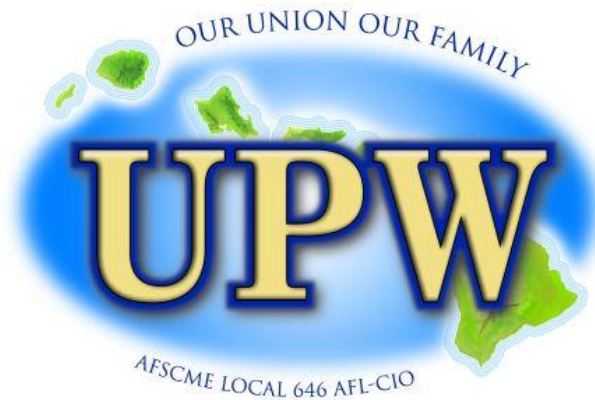
A handwritten signature in black ink, appearing to read "Kristeen Hanselman".

Kristeen Hanselman
Executive Director

University of Hawaii
Professional Assembly

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LATE



THE HAWAII STATE SENATE
The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON LABOR

Senator Jill N. Tokuda, Chair
Senator J. Kalani English, Vice Chair

DATE OF HEARING: Tuesday, March 13, 2018
TIME OF HEARING: 3:00 p.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 229

**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 's 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.

