

HB 310

RELATING TO COLLECTIVE BARGAINING

LAB, FIN

HB310



Submit Testimony

Measure Title: RELATING TO COLLECTIVE BARGAINING.

Report Title: Hawaii State Association of Counties Package; Collective Bargaining; Counties; Mayors; Nonvoting Representative

Description: Authorizes a nonvoting county representative to participate in collective bargaining negotiations for county employees. Reduces the number of votes the governor has from 4 to 1 for negotiations involving police officers and firefighters. Requires the respective Mayor to provide timely collective bargaining negotiation updates to the applicable county council.

Companion:

Package: Hawaii State Association of Counties

Current Referral: LAB, FIN

Introducer(s): SOUKI (Introduced by request of another party)

<u>Sort by Date</u>		Status Text
1/20/2017	H	Pending introduction.
1/23/2017	H	Pass First Reading
1/23/2017	H	Referred to LAB, FIN, referral sheet 2
2/3/2017	H	Bill scheduled to be heard by LAB on Tuesday, 02-07-17 10:00AM in House conference room 309.

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.

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. The purpose of this Act is to allow a
2 representative of each county council to be present as a
3 nonvoting participant in negotiations with bargaining units if
4 the relevant county has employees in the particular bargaining
5 unit.

6 County councils have the duty to appropriate funds for
7 their counties. Therefore, it is essential that county councils
8 are provided with relevant information regarding bargaining unit
9 negotiations and associated costs in order to carry out
10 effective financial planning for the counties.

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

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



- 1 (1) For bargaining units (1), (2), (3), (4), (9), (10),
2 (13), and (14), the governor shall have six votes and
3 the mayors, the chief justice, and the Hawaii health
4 systems corporation board shall each have one vote if
5 they have employees in the particular bargaining unit;
6 provided that one representative from each county
7 council shall be allowed to attend as a nonvoting
8 participant during negotiations if their county has
9 employees in the particular bargaining unit;
- 10 (2) For bargaining units (11) and (12), the governor shall
11 have [~~four votes~~] one vote and the mayors shall each
12 have one vote; provided that one representative from
13 each county council shall be allowed to attend as a
14 nonvoting participant during negotiations if their
15 county has employees in the particular bargaining
16 unit;
- 17 (3) For bargaining units (5) and (6), the governor shall
18 have three votes, the board of education shall have
19 two votes, and the superintendent of education shall
20 have one vote; and



H.B. NO. 310

1 (4) For bargaining units (7) and (8), the governor shall
 2 have three votes, the board of regents of the
 3 University of Hawaii shall have two votes, and the
 4 president of the University of Hawaii shall have one
 5 vote.

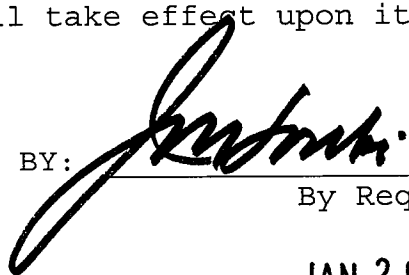
6 Any decision to be reached by the applicable employer group
 7 shall be on the basis of simple majority, except when a
 8 bargaining unit includes county employees from more than one
 9 county. In that case, the simple majority shall include at
 10 least one county. If the negotiation of a collective bargaining
 11 agreement involves county employees, the applicable mayor or the
 12 mayor's representative shall provide timely updates relating to
 13 bargaining unit negotiations to the respective county council in
 14 an executive meeting."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:



By Request

JAN 20 2017



H.B. NO. 310

Report Title:

Hawaii State Association of Counties Package; Collective Bargaining; Counties; Mayors; Nonvoting Representative

Description:

Authorizes a nonvoting county representative to participate in collective bargaining negotiations for county employees. Reduces the number of votes the governor has from 4 to 1 for negotiations involving police officers and firefighters. Requires the respective Mayor to provide timely collective bargaining negotiation updates to the applicable county council.

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



DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

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

February 3, 2017

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
For Hearing on Tuesday, February 7, 2017
10:00 a.m., Conference Room 309

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**House Bill No. 310
Relating to Collective Bargaining**

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE
COMMITTEE:

Thank you for the opportunity to testify on this important measure.

H.B. No. 310 proposes to authorize a nonvoting county representative to participate in collective bargaining negotiations for county employees. Reduces the number of votes the governor has from 4 to 1 for negotiations involving police officers and firefighters. Requires the respective Mayor to provide timely collective bargaining negotiation updates to the applicable county council.

The Office of Collective Bargaining (OCB) **has concerns**. 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.

Hawai`i State Association of Counties (HSAC)

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

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



February 3, 2017

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

FROM: Stacy Crivello
HSAC President

SUBJECT: **HEARING OF FEBRUARY 7, 2017; TESTIMONY IN SUPPORT OF HB 310, RELATING TO COLLECTIVE BARGAINING**

Thank you for the opportunity to testify on behalf of the Hawaii State Association of Counties in **support** of this measure. The purpose of this measure is to authorize a nonvoting county council representative to participate in collective bargaining negotiations for county employees.

This measure is in the 2017 Hawaii State Association of Counties Legislative Package. Therefore, I submit this testimony on HSAC's behalf.

HSAC **supports** this measure for the following reasons:

1. 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.
2. This measure would allow a county council representative to attend as a non-voting participant if the respective county has employees in the particular bargaining unit.
3. 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.

Mahalo for your consideration.

HSAC:FY2017:17Testimony:HB310a_mkz

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
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E-mail: cokcouncil@kauai.gov

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

February 6, 2017

TESTIMONY OF MEL RAPOZO
COUNCIL CHAIR, KAUAI COUNTY COUNCIL
ON
HB 310, RELATING TO COLLECTIVE BARGAINING
House Committee on Labor & Public Employment
Tuesday, February 7, 2017
10:00 a.m.
Conference Room 309

Dear Chair Johanson and Members of the Committee:

Thank you for this opportunity to provide testimony in support of HB 310, Relating to Collective Bargaining, which is included in the 2017 Hawai'i State Association of Counties (HSAC) Legislative Package. My testimony is submitted in my individual capacity as Council Chair of the Kaua'i County Council and as Secretary of the Hawai'i State Association of Counties.

The purpose of this measure is to authorize a nonvoting county council representative to participate in collective bargaining negotiations for county employees. The current process of approving collective bargaining agreements and related cost items does not provide opportunity for county councils to participate which negatively affects their ability to determine whether requested cost increases are sustainable for county taxpayers. Additionally, counties fund the operations of police and firefighters in the respective counties and should have an equal number of votes as the State when negotiating the respective union agreements.

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 read "Mel Rapozo", with a long, sweeping underline.

MEL RAPOZO
Council Chair, Kaua'i County Council

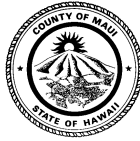
AMK:aa

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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



Director of Council Services
Sandy K. Baz

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

February 6, 2017

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

FROM: Mike White
Council Chair

A handwritten signature in black ink, appearing to read "Mike White", is written over the name and title in the "FROM:" field.

SUBJECT: **HEARING OF FEBRUARY 7, 2017; TESTIMONY IN SUPPORT OF
HB 310, RELATING TO COLLECTIVE BARGAINING**

Thank you for the opportunity to testify in **support** this important measure.

The Maui County Council supports this bill and **concurs** with the testimony as provided by Hawaii State Association of Counties President Stacy Crivello.

I urge you to **support** this measure.

holt1 - Joyleanne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:07 AM
To: LABtestimony
Cc: yukilei.sugimura@mauicounty.us
Subject: *Submitted testimony for HB310 on Feb 7, 2017 10:00AM*

HB310

Submitted on: 2/6/2017

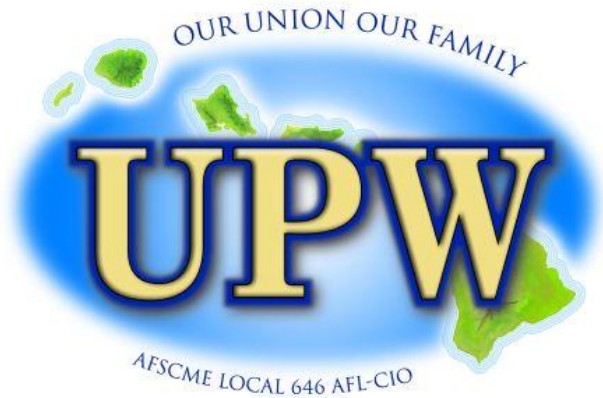
Testimony for LAB on Feb 7, 2017 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Yuki Lei Sugimura	Maui County Council	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2017

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

DATE OF HEARING: Tuesday, February 7, 2017
TIME OF HEARING: 10:00 a.m.
PLACE OF HEARING: State Capitol, Rm. 309
415 South Beretania Street

TESTIMONY ON HOUSE BILL 310 RELATING TO COLECTIVE BARGAINING

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

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 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.

HB310 proposes to authorize a nonvoting county representative(s) to participate in collective bargaining; reduce the number of votes the governor has from 4 to 1 for negotiations involving police officers and firefighters; and requires the respective Mayor to provide timely collective bargaining negotiations updates to the applicable county council.

The UPW speaks only to the role of a nonvoting council representative in collective bargaining negotiations.

The political doctrine of Separation of Powers is a basic precept of our democracy and government where each branch of government, the executive, the legislative and the judicial, would have defined abilities to check the powers of the other branches. It is a way in which power is not centralized thereby, allowing checks and balances to be made. It also limits one branch from exercising the core functions of another.

The Hawaii collective bargaining law reflects this doctrine. HRS-89-1 *Statement of Findings and Policy (b) (2)* provide for the, "... employers to negotiate with and enter into written agreement with the exclusive representatives on matters of wages, hours, and other conditions of employment.....".

The term "employer" is defined in HRS 89-2 *Definitions*, as the governor in the case of the State, the respective mayors in the case of the counties, the chief justice of the supreme court in the case of the judiciary..." The "exclusive representative" means the employee organization under section 89-2 as the collective bargaining agent to represent all employees in an appropriate bargain unit..."

The UPW respectfully opposes the presence and participation of nonvoting council representatives at collective bargaining negotiations. We ask the committee to hold this bill.

Thank you for the opportunity to submit this testimony.

HB 310

LATE TESTIMONY

DAVID Y. IGE
GOVERNOR

LATE



WESLEY K. MACHIDA
DIRECTOR

LAUREL A. JOHNSTON
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
HOUSE BILL NO. 310

LATE

February 7, 2017
10:00 a.m.
Room 309

LATE

RELATING TO COLLECTIVE BARGAINING

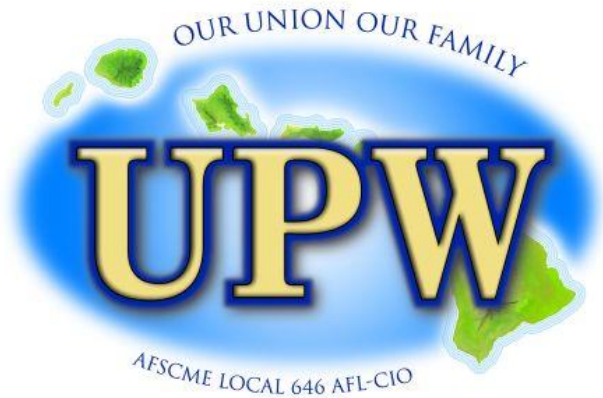
House Bill No. 310 amends Chapter 89-6, HRS, to: 1) allow one representative from each county council to attend as a non-voting participant during negotiations and requires mayors or mayor's representative to provide timely updates relating to bargaining unit (BU) negotiations to the respective county councils in an executive meeting; and 2) reduce the Governor's vote from four votes to one in negotiations for BUs 11 and 12.

The Department of Budget and Finance opposes this measure.

Legislative bodies, including the county councils, play an important role in the collective bargaining process. However, taking an active role in collective bargaining negotiations would seem to be beyond the legislative role in the process.

The new voting structure would give the counties a clear majority vote exceeding the authority of the Governor. Even though the State has only a few special-funded employees in BU 11 and no employees in BU 12, arbitration awards and negotiated agreements often set precedents for later awards and agreements. Given these cost implications, the voting balance should be maintained so the Governor can continue to have an active voice in these negotiations.

Thank you for your consideration of our comments.



LATE

THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2017

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

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