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TESTIMONY BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS

RE: SB 2360 - RELATING TO COLLECTIVE BARGAINING

WEDNESDAY, FEBRUARY 28, 2018

WILBERT HOLCK, EXECUTIVE DIRECTOR
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2360**, relating to collective bargaining.

Our state's commitment to collective bargaining must be reaffirmed under the pending threat of the Supreme Court's ruling in *Janus v. AFSCME*, which could fundamentally undermine Hawai'i's dedication to labor management peace by constraining collective bargaining representatives' ability to collect resources from their members and, in turn, diminishing public employees' ability to negotiate with management and represent their members' interests.

In *Janus v. AFSCME*, the petitioners asked the Court to invalidate public-sector agency shop arrangements under the First Amendment. A ruling in favor of Janus would mean public sector employees may leave their unions and not pay dues, while the unions, in turn, would still be legally-bound to represent them. Such a scenario would be financially damaging to the labor movement.

Accordingly, this bill requires employees wishing to opt out of union membership to provide written notification within thirty days of the anniversary of their initial membership date in any given year of their desire to discontinue payroll deductions to their exclusive representative. This will allow unions to better manage the impact of potential member resignations in the wake of a probable *Janus* ruling.

Additionally, this measure provides a mutual benefit to both the employer and exclusive representatives by defining the time period under which an employee may

leave a union. In so doing, this measure prevents an employee from joining, leaving, then re-joining a union at different points in the year, which creates confusion in tracking and implementing the employee's payroll deductions. Restricting the period of time during which an employee may leave the union to a thirty day window closes this loophole in state law and provides better harmony between the employer's and exclusive representatives' accounting systems.

To strengthen Hawai'i's longstanding dedication to protecting collective bargaining, the Hawaii State Teachers Association asks your committee to **support** this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

February 28, 2018

S.B. 2360 – RELATING TO COLLECTIVE BARGAINING

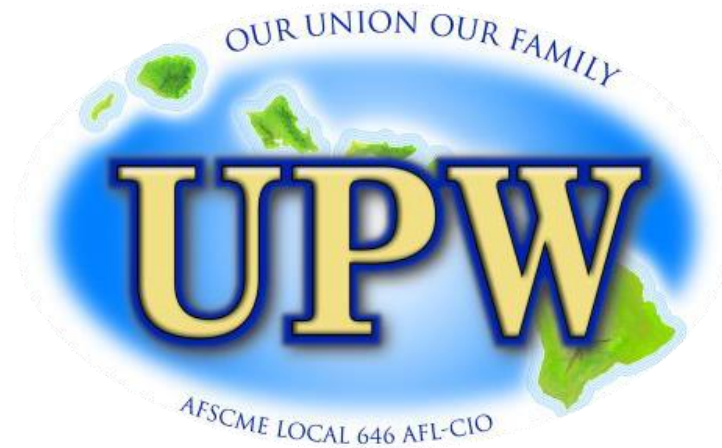
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 2360, which requires public employees to provide written notification to the employee's exclusive representative to discontinue the employee's payroll assignments and mandates the exclusive representative to provide a copy of the notification to the employer within seven business days of receipt from the employee.

As currently written, Ch. 89-4, Hawaii Revised Statutes, allows for any employee who is represented by an exclusive representative to submit any type of notification to either the employer or the exclusive representative that requests an end to their payroll assignment. The amendments outlined in S.B. 2360 create a systematic process and timeline for an employee to discontinue their payroll assignment by requiring written notification to the exclusive representative and mandating that the exclusive representative provide a copy of the notification to the employer within seven business day of receipt. This standardized process will ensure that the flow of information between the employee, the exclusive representative, and the employer regarding payroll assignments is streamlined and efficient.

Thank you for the opportunity to testify in strong support of S.B. 2360.

Respectfully submitted,

Randy Perreira
Executive Director



The Hawaii State Senate
The Twenty-Ninth Legislature
Regular Session of 2018

Committee on Ways and Means
Senator Donovan Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Date of Hearing: Wednesday, February 28, 2018
Time of Hearing: 11:00 a.m.
Place of Hearing: Conference Room 211

Testimony in Support of SB2360 Relating to Collective Bargaining

By Dayton M. Nakanelua,
State Director of the United Public Workers,
AFSCME, Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, and AFL-CIO (UPW). The UPW is the exclusive 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 the four counties.

Hawaii Revised statute 89-3 recognizes the right of an employee to refrain from any or all employee activities for the purposes of collective bargaining except for having a payroll deduction equivalent to regular dues and other fees remitted to the employee organization designated by the employee. SB2360 amends HRS 89-4. It requires the employee to provide written notification within 30 days before the anniversary date of the employee's written authorization to deduct membership dues and other association benefits when the member joined the employee organization, to discontinue payroll assignments. The employee exclusive representative must then notify the employer within 7 days after written receipt from the employee. This process is created to provide stability and order in payroll administration.

The UPW supports SB2521. Thank you for the opportunity to submit this testimony.

SB-2360

Submitted on: 2/27/2018 9:21:44 AM

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

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

Comments: