



The Senate Committee on Labor  
Thursday, February 1, 2018  
2:55 PM, Conference Room 229

RE: **SB 2372 Relating to the Hawaii 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 SB 2372. SB 2372 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.

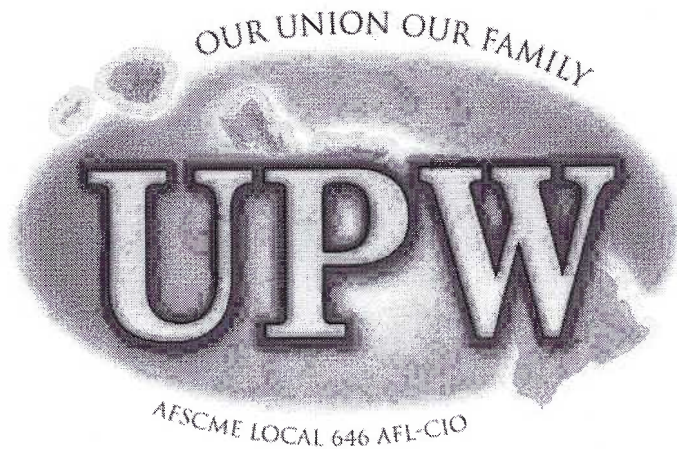
The Hawai'i Labor Relations Board is vested with resolving labor management disputes, interpreting the application of Chapter 89, and advising the legislature on matters covered by Chapter 89. It is within this context that SB 2372 requests that the HLRB be granted emergency rulemaking powers to be utilized 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 Senate  
The Twenty-Ninth Legislature  
Regular Session of 2018

Committee on Labor  
Senator Jill Tokuda, Chair  
Senator J. Kalani English, Vice Chair  
Members of the Committee

Date of Hearing: Thursday, February 1, 2018  
Time of Hearing: 2:55 p.m.  
Place of Hearing: Conference Room 229  
State Capitol

Testimony In **Support** of SB2372 Relating to the HLRB

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, AFL-CIO. 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.

SB2372 Relating to the HLRB requires the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that 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 needed. The UPW strongly supports this bill.

Thank you for the opportunity to submit this testimony.