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

Testimony by
Hawaii State AFL-CIO

February 28, 2018

S.B. 2373, S.D.1 – RELATING TO
COLLECTIVE BARGAINING

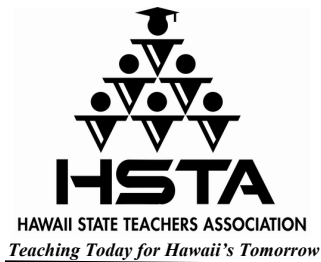
The Hawaii State AFL-CIO strongly supports S.B. 2373, S.D.1 which provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations.

Workers have the right to collectively bargain and should be able to negotiate their wages, benefits, and work conditions. S.B. 2373, S.D.1 simply ensures their voices are heard during collective bargaining negotiations. The Hawaii State AFL-CIO strongly urges the passage of S.B. 2373, S.D.1.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President



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Corey Rosenlee
President
Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS

RE: SB 2373, SD 1 - 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 **strongly supports SB 2373, SD 1,** relating to collective bargaining.

This proposal clarifies the obligation of the state to engage in negotiations in a fair and respectable manner. While HSTA recognizes the right of the state to manage employee work, we strongly affirm the importance of protecting employees' right to negotiate those subjects outlined in HRS 89-9.

Collective bargaining is especially important to public school teachers. It is in the best interest of both the employer and the union to ensure that bargaining occurs in a way that supports an employee's ability to enhance their professionalism, leads to a workplace free from health and safety risks, and is conducted in a fair and equitable manner. Our state's commitment to collective bargaining is even more urgent under the pending threat of the Supreme Court's ruling in *Janus v. AFSCME*, which could fundamentally undermine Hawaii'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.

To preserve the islands' longstanding devotion to the protection of workers' rights, the Hawaii State Teachers Association asks your committee to **support** this bill.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR SENATE BILL 2373, SENATE DRAFT 1, RELATING TO
COLLECTIVE BARGAINING**

**Senate Committee on Ways and Means
Hon. Donovan M. Dela Cruz, Chair
Hon. Gilbert S.C. Keith-Agaran, Vice Chair**

**Wednesday, February 28, 2018, 11:00 AM
State Capitol, Conference Room 211**

Honorable Chair Dela Cruz and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2373, SD 1, relating to collective bargaining.

There is a power in a union.

Today, political pundits prognosticate about the possible onslaught of austerity facing our nation. Many of these same pundits believe that labor unions are an impediment to economic prosperity, arguing that collective bargaining sets wages and work conditions above what the free market demands.

They couldn't be more wrong. Collective bargaining is a civil right. Unionized employees' compensation and work protections, moreover, are essential to creating an upwardly mobile middle class and continually increasing economic prosperity. As economist Paula Voos of Rutgers University School of Management and Labor Relations notes, "It is no accident that the prosperity and consumer boom of the 1950s—a period of unprecedented middle-class expansion, broad business growth, increased home ownership, rising consumer spending, and the shared expectation that a college education was within the reach of everyone and that the lives of our children would be better than our own—followed the greatest sustained expansion of unionization in American history."

Unsurprisingly, decreasing American middle-class incomes and the rapidly widening wealth gap in our country parallel a significant decline in union membership. It is imperative, then, that we promote higher productivity by strengthening labor-management relations. Through a union, employees have a means to engage with management about workplace problems, inefficient

processes, unfair work conditions, and unsupportive compensation. Unions also reduce employee turnover and increase the retention of highly experienced employees, creating circumstances that favor professional development and mutual trust in the workplace. This measure, moreover, ensures harmonious management-worker relations by guaranteeing that employers cannot arbitrarily prevent management decisions that affect work conditions from being subject to negotiation, something that local unions face far too often to the detriment of our state's hardworking women and men. Labor rights are human rights and should be respected as such, particularly at a time when federal leaders have launched a corporate-backed war on workers.

Thomas Jefferson wrote, "Eternal vigilance is the price of liberty." The same is true with basic civil rights, including the right to bargain for better pay and work conditions. We must always put democracy before dollar signs and people before profits.

Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



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. 2373, S.D. 1 – RELATING TO COLLECTIVE BARGAINING

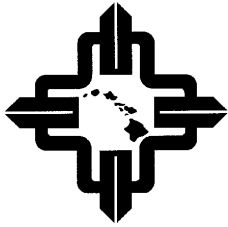
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 2373, S.D. 1 which provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment are not precluded from bargaining.

This important measure makes necessary amendments to Ch. 89-9, Hawaii Revised Statutes, to clarify and delineate the scope of bargaining between the public sector employers and the exclusive representatives. S.B. 2373, S.D. 1 correctly recognizes that the impact of management decisions should be negotiated as they relate to the terms and conditions of employment.

The amendments contained in S.B. 2373, S.D. 1 are necessary to ensure fairness in the process of negotiations. Thank you for the opportunity to testify in strong support of the passage of this measure.

Respectfully submitted,

Randy Perreira
Executive Director



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

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

February 28, 2018
Conference Room 211
11:00 a.m.
Hawaii State Capitol

Testimony Opposing Senate Bill 2373, SD1 Relating to Collective Bargaining. Provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations.

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

CHAIR DELA CRUZ, VICE CHAIR KEITH-AGARAN, AND MEMBERS OF THE
SENATE COMMITTEE ON WAYS AND MEANS:

S.B. 2373 S.D. 1 clarifies the allowable scope of collective bargaining negotiations regarding the rights and obligations of a public employer.

Hawaii Health Systems Corporation ("HHSC") understands the purpose of this bill but **opposes** the wording of this bill, as more fully set forth below, because it leads to an ambiguity about which subjects are permissive and which are mandatory. HHSC therefore proposes amending the bill as set forth below:

1. In referencing bargaining, this bill deletes the phrase ". . . a permissive subject" and replaces it with the word "subjects", which implies that those management decisions that are acknowledged to be permissive subjects of bargaining would become "mandatory subjects of bargaining".
2. This bill further adds the phrase, ". . . but such obligation does not compel either party to agree to a proposal or make a concession." While this states the existing right of parties engaged in good faith bargaining, it does not address the ambiguity created regarding permissive and mandatory subjects of negotiation noted in paragraph 1 above.

3. The current wording of the statute promotes joint decision making between the employers and exclusive representatives by balancing the role of the employer to manage and direct operations and the exclusive representative's role to advocate and negotiate for its members as it relates to wages, hours, and working conditions.
4. HHSC is a state agency committed to providing the highest quality health care in an often quickly changing work environment, requiring management's ability to direct its workforce, determine minimum qualifications and work standards, and to take appropriate action to ensure satisfactory performance. This must be done in compliance with federal and state regulations which directly impact operational decisions.
5. HHSC proposes the addition of language to the measure as follows:

Amend section 89-9(d)(8), HRS, as follows:

This subsection shall not be used to invalidate provisions of collective bargaining agreements in effect on and after June 30, 2007, and except as otherwise provided in this chapter, shall not preclude negotiations over the implementation of management decisions that materially affect terms and conditions of employment that are properly subject to collective bargaining. This subsection ~~also~~ shall not preclude, but does not mandate, negotiations over the procedures and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other disciplinary actions as a permissive subject of bargaining during collective bargaining negotiations or negotiations over a memorandum of agreement, memorandum of understanding, or other supplemental agreement.

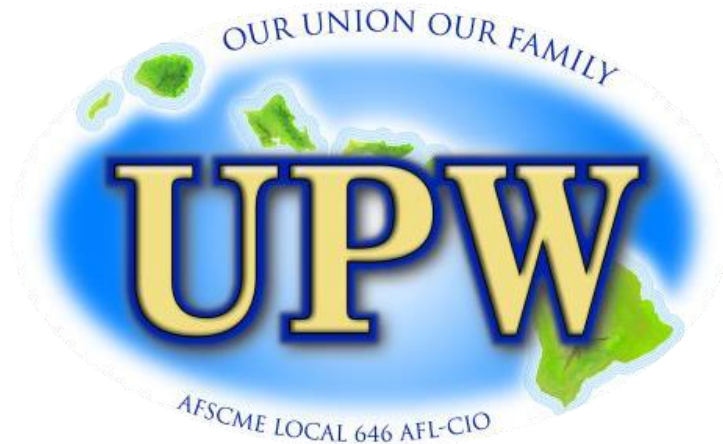
Amend section 89-10(d), HRS, as follows:

Whenever there are provisions in a collective bargaining agreement concerning a matter under chapter 76 or 78 that is negotiable under chapter 89, the terms of the agreement shall prevail; provided that in no instance will the arbitration panel consider for inclusion any final position that is not consistent with section 89-9(d).

6. Finally, in the event that the Committee declines to accept the proposed amendment, HHSC respectfully requests that the Committee consider the addition of a sunset date for this bill. This would allow the employer and the exclusive representative to consider the impact of the bill on operations and afford an opportunity for appropriate further refinement.

Based upon the above, Hawaii Health Systems Corporation respectfully recommends that further consideration of the above concerns be given.

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



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

Committee on Ways and Means
Senator Donovan Delacruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee

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

Testimony In Support of SB2373 SD1 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, 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.

SB2373 SD1 provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations. As an example, if management makes a decision there could be an impact on the employees. That impact must be negotiated. This is called impact bargaining.

Thank you for the opportunity to submit this testimony.

SB-2373-SD-1

Submitted on: 2/27/2018 9:21:07 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: