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TESTIMONY BEFORE THE SENATE COMMITTEE ON
LABOR

RE: SCR 111/ SR 69 - URGING THE HAWAII LABOR RELATIONS BOARD, AND OTHER CONCERNED AGENCIES OR JUDICIAL BODIES, TO TAKE NOTICE OF THE LEGISLATURE'S INTENT TO ENABLE EXCLUSIVE REPRESENTATIVES TO MAINTAIN FINANCIAL VIABILITY AND ORGANIZATIONAL CAPACITY AND EFFECTIVELY REPRESENT PUBLIC EMPLOYEES, AND TO REMOVE OR REDUCE FINANCIAL INCENTIVES FOR EMPLOYEES TO "FREE RIDE"

TUESDAY, MARCH 27, 2018

COREY ROSENLEE, EXECUTIVE DIRECTOR
HAWAII STATE TEACHERS ASSOCIATION

Chair Tokuda and Members of the Committee:

The Hawaii State Teachers Association **supports SCR 111/SR 69**, urging the Hawai'i Labor Relations Board and other concerned agencies or judicial bodies to take notice of the Legislature's intent to enable exclusive representatives to maintain financial viability and organizational capacity, and effectively represent public employees, and to remove or reduce financial incentives for employees to "free ride."

Labor rights are human rights. This resolution clarifies the Legislature's intent to protect collective bargaining in light of *Janus v. AFSCME*, a case that could alter the application of chapters 76 and 89, Hawai'i Revised Statutes. In *Janus v. AFSCME*, the petitioners asked the United States Supreme Court to determine if *Abood v. Detroit Board of Education* should be overruled and public-sector agency shop arrangements invalidated under the First Amendment, and, additionally, if the First Amendment prohibits the practice of requiring public employees to affirmatively opt-out of subsidizing nonchargeable speech, rather than to affirmatively consent to such speech.

If the Supreme Court strikes down laws requiring the payment of union dues by public sector employees, the ruling would 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. Put simply, the ability hardworking families to fight for fair treatment from their employers would be endangered and their livelihoods would be placed at risk.

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 promise to protect collective bargaining is urgent under the pending threat of *Janus v. AFSCME*, which jeopardizes the union workforce that forms the heart of Hawai'i's economy.

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