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GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR

SCOTT T. MURAKAMI
DIRECTOR, DLIR

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DEPUTY DIRECTOR, DLIR



MARCUS R. OSHIRO
BOARD CHAIR

SESNITA A.D. MOEPONO
BOARD MEMBER

J. N. MUSTO, Ph.D
BOARD MEMBER

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD
830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813
Phone (808) 586-8610 / FAX (808) 586-8613
Email: dlir.laborboard@hawaii.gov



March 27, 2019

Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB or Board) provides the following comments **in support of HB 913 HD 1 SD1** for your consideration.

The HLRB is a quasi-judicial agency that oversees two areas of laws in the State of Hawai'i: (1) collective bargaining and unfair labor practices under Chapters 89 and 377 of the Hawai'i Revised Statutes (HRS), and (2) contests involving citations or orders of the Director of Labor and Industrial Relations involving occupational safety and health laws set forth in Chapter 396, HRS. As an administrative agency, the HLRB is also subject to the administrative procedures set forth in HRS Chapter 91.

HB 913 HD 1 SD 1 amends HRS § 377-9 to allow all documents filed with the HLRB to be filed either as an original paper document or an electronic version. The Board supports this cost saving measure and has already implemented an electronic filing system under its administrative rules. The Board would, however, ask for the following amendments to section (m) for clarity and consistency with HRS § 89-5.1:

(m) All documents filed with the board under this section shall be delivered to the board as:

(1) An original paper document; or

(2) An electronic version, filed by electronic service through a company designated by the board.

A document filed by electronic means shall be equivalent to an original document for the purposes of this section.

The Board is also aware that certain concerns have been raised regarding electronic filing and accessibility. The American's with Disabilities Act (ADA) generally requires that the State provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden.

As a state agency, the Board understands that it has an obligation to ensure that its website meets certain technological standards for accessibility, and the Board is currently in the process of making its website fully compliant. However, the documents that are electronically filed with the Board are not available on its website.

All parties have equal access to the case files in that they have access to the documents that are submitted to the Board. If it is brought to the Board's attention that any document is not in compliance with the Board's requirements or if the parties notify the Board that they require any additional accommodations, whether due to a disability or language access or anything else, then the Board takes all appropriate actions to ensure that all parties have equal access to the documents.

Thank you for your time and consideration of the HLRB's comments in **support** of HB 913 **with amendments**.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 28, 2019

LATE

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

House Bill 913, HD1, SD1 - Relating to the Hawaii Labor Relations Board

The Disability and Communication Access Board (DCAB) offers comments on House Bill 913, HD1, SD1 - Relating to the Hawaii Labor Relations Board, which allows filing of documents with the Hawaii Labor Relations Board by the original paper document or electronically.

Anything filed on the Hawaii Labor Relations Board should be accessible to persons with disabilities. Web sites are considered a state program, and as such needs to provide people with disabilities equal access to information available to other individuals. Having a person to request a document in alternate format is not equal access, because the individual would need to make the request then wait additional time for the agency to obtain an accessible version of the document.

On page 10, lines 3 and 4 state that "A document filed by electronic means must be equivalent to an original document for purposes of this section." This statement indicates that for the document must be equivalent, the person would make a pdf copy on a copy machine and save it as a pdf. When the person does that, the document is a picture and is not readable on the Internet by a screenreader used by a person who is blind.

DCAB suggests an addition to this section of the law and rewording it so the person submitting the document shall submit it as a "read only" document in Microsoft word format. That way the staff person responsible for uploading the document to the web site can easily change it to an HTML format to publish it using that format for accessibility to individuals with disabilities who use a screenreader.

Thank you for this opportunity to provide comment.

Respectfully submitted,

FRANCINE WAI
Executive Director