



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/07/2019

Time: 02:45 PM

Location: 224

Committee: Senate Labor, Culture and the Arts

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 1143 RELATING TO COLLECTIVE BARGAINING.

Purpose of Bill: Expands the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives. Requires that information regarding new hire employees under the collective bargaining disclosure requirements of section 89-16.6, Hawaii Revised Statutes, be provided to the appropriate exclusive representatives within one payroll period.

Department's Position:

The Department of Education ("Department") respectfully provides comments on SB 1143.

The proposed additional requirement for the employer to provide the exclusive representative with the physical worksite address, date of change of physical worksite address, the worksite telephone number of employees within a particular bargaining unit(s) is not possible for all employees.

Such detailed worksite information is not available as part of the centralized record and transaction database for state offices and district offices. Although pay warrant location is available, often times employees employed in state and/or district positions provide services to a specific school or schools. The physical worksite location may change depending upon the needs of the students and schools. The physical location is not tracked as part of the centralized recording keeping.

The proposed additional requirement also involves providing the exclusive representative with the organization structure, including name and codes for department, division, branch, section, and unit, or equivalent, as applicable. This information is already provided to the exclusive representatives on an annual basis through the consultation process regarding the annual plan of organization. Through this process, changes in organization structure and positions that have occurred throughout the school year are captured as of June 30 annually.

Finally, the proposed language provides a new deadline for new hire employee information, i.e., within one payroll period. This new deadline is in addition to the current deadline to provide information within a reasonable time after receipt of the written request. It is not certain that the information can be provided on a regular basis for new hires within one payroll period, especially during the start of the school year when most new hires begin employment.

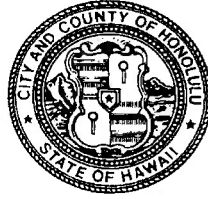
The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

DEPARTMENT OF HUMAN RESOURCES

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5563 • INTERNET: www.honolulu.gov/hr

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

February 7, 2019

The Honorable Brian T. Taniguchi, Chair
The Honorable Les Ihara, Jr., Vice Chair
and Members of the Committee
on Labor, Culture and the Arts
The Senate
State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice Chair Ihara, and Members of the Committee:

**SUBJECT: Senate Bill No. 1143
Relating to Collective Bargaining**

Senate Bill No. 1143 expands the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives. The City and County of Honolulu (City) Department of Human Resources (DHR) offers the following comments on this measure.

The City is fully committed to providing relevant personnel information of members to the Unions in a timely manner for the purpose of processing payroll deductions and/or for grievance or other contract administration. That said, the City has logistical concerns about some of the proposed amendments. Specifically, the City does not store some of the proposed additional information in a single central repository, which could pose a significant logistical challenge when it comes to formulating such information into a cohesive report. Namely, DHR does not maintain in an integrated database, nor store, information such as:

- physical worksite address;
- dates of change of physical worksite address;
- worksite telephone number; and
- job description.

To the extent that such information requests will become on-going standing requests that will be expected in a recurring manner, such information is not readily-available in a format that could easily be transmitted to the Unions. Furthermore, DHR

The Honorable Brian T. Taniguchi, Chair
The Honorable Les Ihara, Jr., Vice Chair
and Members of the Committee
on Labor, Culture and the Arts
February 7, 2019
Page 2

expects that the cost of getting such information into a more usable format would be prohibitively significant and detrimentally impact other City priorities.

In addition, DHR has some concerns about disclosing information such as organizational structure codes and employee identification numbers. Such codes are meant purely for internal use and would not appear to have any functional value to the Unions.

With respect to the proposed addition of part (c), concerning new hire employees, DHR anticipates significant logistical difficulties in transmitting information about newly-hired employees "within one payroll period." DHR would instead propose a clarification that the deadline for making such information available should coincide with the first paycheck.

Last, to the extent that requests for information might apply to City employees who choose *not* to become Union members, in light of the U.S. Supreme Court decision in *Janus v. AFCSME*, the City has privacy concerns about releasing some types of information. This bill presents an opportunity to re-visit and clarify these statutory requirements.

The City fully supports the idea that exclusive representatives are entitled to relevant information about their members. DHR looks forward to continuing to work with the Unions to provide relevant personnel information to employees' respective Unions in a timely manner.

Thank you for this opportunity to testify on S.B. No. 1143.

Sincerely,



Carolee C. Kubo
Director



The Senate Committee on Labor, Culture and the Arts
Thursday, February 7, 2019
2:45 pm, Room 224

RE: SB 1143, RELATING TO COLLECTIVE BARGAINING

Attention: Chair Brian T. Taniguchi, Vice Chair Les Ihara, Jr. and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the committee to
support passage of SB 1143.

This measure seeks to expand the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives. It further requires that information regarding new hire employees under the collective bargaining disclosure requirements of section 89-16.6, Hawaii Revised Statutes, be provided to the appropriate exclusive representatives within one payroll period.

Public employees deserve to understand the collective bargaining environment that they have entered into when beginning work for the State of Hawai'i or one of the Counties. This measure will ensure that the exclusive representatives have the necessary contact information to provide new public employees with important information regarding protections and benefits available to them that they may otherwise be unaware of.

Thank you for the opportunity to provide testimony on this measure. **UHPA supports the passage of SB 1143.**

Respectfully Submitted,

Kristeen Hanselman
Executive Director

**University of Hawaii
Professional Assembly**



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Labor, Culture and the Arts

Testimony by
Hawaii Government Employees Association

February 7, 2019

S.B. 1143 – RELATING TO COLLECTIVE BARGAINING

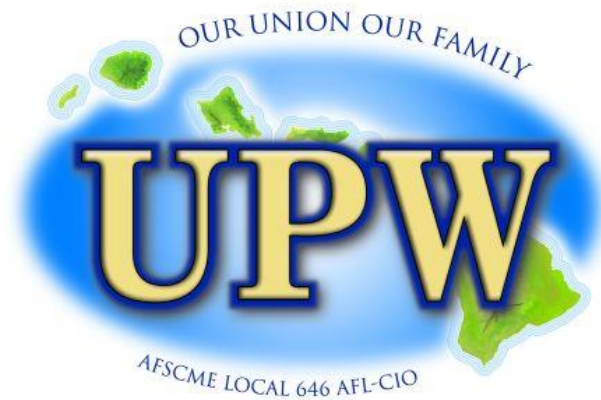
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of S.B. 1143 which codifies the types of employee information that government agencies must disclose to Exclusive Representatives and requires prompt transmittal of information regarding new hire employees.

By law, Exclusive Representatives must represent every employee in a bargaining unit, regardless of the employee's membership status. In order to provide timely and responsive service, it is appropriate for all Exclusive Representatives to have pertinent employment information, the ability to physically locate and access employees, and timely transmittals about new employees we must represent. It is important to note that since we represent employees within every jurisdiction of state and county government, the vast majority of Employers already provide us with this comprehensive list of information; therefore, we view this amendment as a housekeeping measure.

Thank you for the opportunity to testify in strong support of S.B. 1143.

Respectfully submitted,

Randy Perreira
Executive Director



THE HAWAII STATE SENATE

The Thirtieth Legislature
Regular Session of 2019

Committee on Labor, Culture and the Arts

Senator Brian Taniguchi, Chair
Senator Les Ihara, Jr., Vice Chair

Date of Hearing: Thursday, February 7, 2019
Time of Hearing: 2:45 p.m.
Place of Hearing: Conference Room 224

TESTIMONY ON SB1143 RELATING TO COLLECTIVE BARGAINING

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 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 four counties. The UPW also represents about 1,500 members in the private sector.

HB157 expands the type of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives. Information regarding new employees must be provided to the appropriate exclusive representative within one payroll period. The UPW supports this measure.

Thank you for the opportunity to submit this testimony.