

DAVID Y. IGE
GOVERNOR



RYKER WADA
CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

TESTIMONY TO THE
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

For Hearing on Tuesday, March 23, 2021 at 2:00 p.m.
Conference Room 325 (Via Video Conference)

By

RYKER WADA
CHIEF NEGOTIATOR

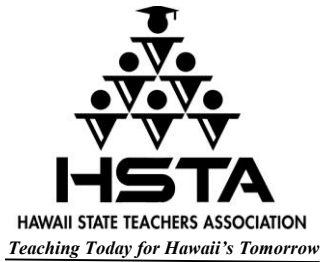
Senate Bill No. 678 SD1 HD1
Relating to Collective Bargaining

CHAIRPERSON NAKASHIMA, VICE CHAIR MATAYOSHI AND MEMBERS OF THE
COMMITTEE:

The Office of Collective Bargaining (OCB) respectfully **OPPOSES** Senate Bill No. 678 SD1 HD1, which establishes that the representative of labor on the Hawaii Labor Relations Board be a person selected by a majority of the exclusive representatives of the collective bargaining units. It also establishes procedures for removal of the representative of labor on the Hawaii Labor Relations Board.

OCB has grave concerns that this bill diminishes the Governor's authority by compelling him to appoint a single individual identified by the exclusive representatives as a labor representative to the Hawaii Labor Relations Board. Current practice is for the Governor to make an appointment from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives. We believe there is no compelling reason to limit the pool of nominees from three to one.

Based on the above, the OCB respectfully requests that this measure be **held**. Thank you for considering our concerns and for the opportunity to testify on this measure.



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Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY &
HAWAIIAN AFFAIRS

RE: SB 678, SD1, HD1 - RELATING TO COLLECTIVE BARGAINING.

TUESDAY, MARCH 23, 2021

WILBERT HOLCK, EXECUTIVE DIRECTOR
HAWAII STATE TEACHERS ASSOCIATION

Chair Nakashima and Members of the Committee:

The Hawaii State Teachers Association **supports SB 678, SD1, HD1**, relating to collective bargaining. This bill requires the representative of labor on the Hawaii labor relations board (HLRB) to be a person selected by a simple majority of the exclusive representatives of the collective bargaining units. Establishes procedures for removal of the representative of labor on the HLRB during the member's term by a simple majority of the exclusive representatives of the collective bargaining units. Effective 7/1/2050. (HD1)

As the representative of management for the Hawaii Labor Relations Board is appointed by the governor, who first considers any names submitted by the counties; provided that each county may submit no more than one name; **the process should be similar for the representative of labor in that a person who is appointed by the governor, but whose name has been submitted to the governor to serve as the representative of labor by the exclusive representatives certified pursuant to section 89-8. The process to determine the nominee whose name is to be submitted to the governor shall be determined by a simple majority of the exclusive representatives certified pursuant to section 89-8. The governor shall transmit the name of the person nominated to serve as the representative of labor to the senate for advice and consent not later than twenty days after submission of the nominee's name to the governor; provided that, if the governor fails to nominate the person whose name has been submitted by a simple majority of exclusive representatives in accordance with this paragraph, the simple majority of exclusive representatives who recommended the person shall transmit the person's name directly to the senate for confirmation.**

To be an exclusive representative of labor, shouldn't labor be included in the process for the selection? Therefore, to ensure labor is represented as they should be in HLRB, the Hawaii State Teachers Association asks your committee to **support** this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 22, 2021

S.B. 678, S.D. 1, H.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. 678, S.D. 1, H.D. 1 which establishes that the Labor Representative on the Hawaii Labor Relations Board (HLRB) be selected by a majority of the Exclusive Representatives and confirmed by the Senate, and establishes a procedure for the Labor Representative's removal.

The mission of the HLRB is to fairly resolve labor disputes and enforce and protect the rights of unionized public employees and public unions to organize and bargain collectively in balance with the Employer's rights to manager operations. The HLRB is composed of three members – a representative of labor, a representative of management, and the chairperson who shall represent the public interest. The Labor Representative is appointed by the Governor from a list of three nominees submitted by a majority of the Exclusive Representatives and must be confirmed by the Senate, however the Governor also appoints both the Management Representative and the Chairperson of the Board, thus granting the Governor significant influence over all three seats. The current process grants the Governor too much authority over an adjudicatory board in which the Governor, serving as the Employer, is often party. Since decisions and rulings by the HLRB directly impact every unionized state and county government employee in Hawai'i, it is fair and reasonable to allow the Exclusive Representatives the right to collectively nominate our Labor Representative. Similarly, if the Labor Representative does not represent labor's best interests, there should be an established mechanism for removal and replacement.

Although a prior Committee raised concerns over the constitutionality of the proposed removal process, we find that the process is aligned with the Hawaii State Constitution, Article V, § 6 which states,

“...Except as otherwise provided in this constitution, whenever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and *removal of such members shall be as provided by law* [emphasis added].”

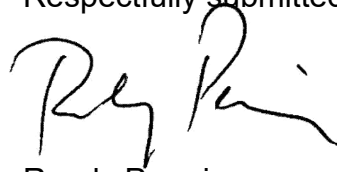
Committee on Judiciary and Hawaiian Affairs

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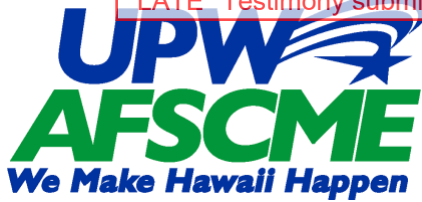
March 22, 2021

While this measure will not completely balance the scales of power between the Employer and the Exclusive Representatives, it will serve to ensure that the Exclusive Representatives' collective voice is strengthened. Thank you for the opportunity to testify in strong support of S.B. 678, S.D. 1, H.D. 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira". The signature is fluid and cursive, with the first name "Randy" and last name "Perreira" clearly distinguishable.

Randy Perreira
Executive Director



**HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair
Representative Scot Matayoshi, Vice Chair

Tuesday, March 23, 2021, 2:00 PM
Conference Room 325 and via Videoconference

Re: Testimony in Support of SB678 SD1 HD1 - RELATING TO COLLECTIVE BARGAINING

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee on Judiciary and Hawaiian Affairs:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **supports** of SB678 SD1, which requires that the representative of labor on the Hawaii Labor Relations Board be a person selected by a simple majority of the exclusive representatives of the collective bargaining units. This bill would also establish procedures for removal of the representative of labor on the Hawaii Labor Relations Board during the member’s term by a simple majority of the exclusive representation of the collective bargaining units. Under the current law, the exclusive representatives of labor have been able to provide input on the representative of labor on the Board, but the final decision is made by the Governor. This proposed legislation would help to establish that the exclusive representatives on labor’s interest and voices are reinforced when it comes to the Board’s labor representative.

Thank you for the opportunity to submit this testimony.