

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 LABOR AND TOURISM**

For Hearing on Tuesday, February 1, 2022  
9:30 a.m., Conference Room 312 (Via Video Conference)

By

**RYKER WADA**  
**CHIEF NEGOTIATOR**

**House Bill No. 1789**  
**Relating to Collective Bargaining**

CHAIRPERSON ONISHI, VICE-CHAIR SAYAMA AND MEMBERS OF THE  
COMMITTEE:

The Office of Collective Bargaining (OCB) respectfully **opposes** HB1789, 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.

OCB is concerned 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.



**HOUSE OF REPRESENTATIVES  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2022**

**Committee on Labor and Tourism**  
Representative Richard H.K. Onishi, Chair  
Representative Jackson D. Sayama, Vice Chair

Tuesday, February 1, 2022, 9:30AM  
Conference Room 312 and via Videoconference

**Re: Testimony in Support of HB1789 - RELATING TO COLLECTIVE BARGAINING**

Chair Onishi, Vice Chair Sayama, and Members of the Committee:

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** HB1789, 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.

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 of labor’s interest and voices are reinforced when it comes to the Board’s labor representative.

Thank you for the opportunity to provide testimony.

Sincerely,

Liz Ho  
Administrator

**SHOPO**



Jan. 1, 2022 to Dec. 31, 2025

**PRESIDENT**

Robert Cavaco

**VICE PRESIDENT**

David "Kawika" Hallums

**TREASURER**

Stephen Keogh

**SECRETARY**

John Asing, Jr.

**DIRECTORS AT LARGE**

Shawn Cavaco  
Carmel "Mel" Hurley  
Derek Pa

**HONOLULU CHAPTER CHAIR**

Nicholas Schlapak

**HAWAII CHAPTER CHAIR**

James "Kana" Correa

**KAUAI CHAPTER CHAIR**

Christopher Calio

**MAUI CHAPTER CHAIR**

Nicholas Krau

**Main Office & Honolulu Chapter**

1717 Hoe Street  
Honolulu, Hawaii 96819-3125  
Ph: (808) 847-4676 "84 SHOPO"  
Fax: (808) 841-4818

**Hawaii Chapter Office**

688 Kino'ole Street, Room 220 B  
Hilo, Hawaii 96720  
Ph: (808) 934-8405  
Fax: (808) 934-8210

**Maui Chapter Office**

1887 Wili Pa Loop, Suite #2  
Wailuku, Hawaii 96793  
Ph: (808) 242-6129  
Fax: (808) 242-9519

**Kauai Chapter Office**

3176 Oihana Street, Suite 104, Lihue  
Mailing Address:  
P.O. Box 1708  
Lihue, Hawaii 96766  
Ph: (808) 246-8911

January 28, 2022

**U.S. MAIL/FAX: 808-586-6121**

The Honorable Richard H.K. Onishi, Chair  
The Honorable Jackson D. Sayama, Vice-Chair  
Committee on Labor & Tourism  
Hawaii State Capitol, Room 438  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB1789 Relating to Collective Bargaining**

Dear Chair Onishi, Vice-Chair Sayama and Honorable Committee Members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in strong support of HB1789. This bill will amend HRS §89-5 to ensure that the public employee unions and their labor interests are at all times competently and fairly represented on the Hawaii Labor Relations Board ("HRLB") by a representative of their choice.

The HLRB is composed of three (3) board members who represent three distinct interests on the board, i.e., labor, management and the public. Unlike other boards and commissions, the respective board members on the HRLB are specifically designated by the interests they represent on the board. There is a "representative of labor," "representative of management," and a "representative of the public" who also serves as the board's chairperson.

The HLRB is the venue where the public unions and employers seek redress and resolution of various types of labor disputes and issues. Thus, it is imperative that the "representative of labor" serving on the board, which decides cases by majority rule, is a person who is effectively representing labor, competently discharging his/her duties, and is the public unions' choice to serve as our representative.

By allowing the public unions to select their labor representative by a simple majority, HB1789 will ensure that the public unions' labor representative on the HLRB is truly their choice and selection.

We thank you for allowing us to be heard on this very important issue and hope your committee will unanimously support this bill.

Respectfully submitted,

ROBERT "BOBBY" CAVACO  
President

RC jmo

Visit us at  
[shopohawaii.org](http://shopohawaii.org)



**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 Labor and Tourism

Testimony by  
Hawaii Government Employees Association

February 1, 2022

**H.B. 1789 – RELATING TO COLLECTIVE BARGAINING**

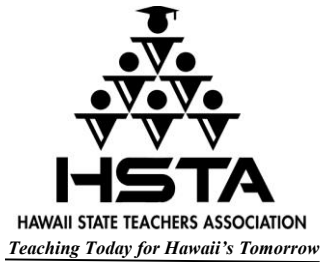
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1789 which establishes that the Labor Representative on the Hawaii Labor Relations Board (HLRB) be selected by a majority of the Exclusive Representatives.

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.

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 H.B. 1789.

Respectfully submitted,

Randy Perreira  
Executive Director



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.  
President  
Logan Okita.  
Vice President  
Lisa Morrison  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

## TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR & TOURISM

RE: HB 1789 - RELATING TO COLLECTIVE BARGAINING.

TUESDAY, FEBRUARY 1, 2022

WILBERT HOLCK, EXECUTIVE DIRECTOR  
HAWAII STATE TEACHERS ASSOCIATION

Chair Onishi and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1789**, relating to collective bargaining. This bill requires the representative of labor shall be a person who is appointed by the governor and 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

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.

MARCUS R. OSHIRO  
CHAIRPERSON



SESNITA A.D. MOEPONO  
BOARD MEMBER

J N. MUSTO  
BOARD MEMBER

January 31, 2022

To: The Honorable Richard H.K. Onishi, Chair,  
The Honorable Jackson D. Sayama, Vice Chair, and  
Members of the House Committee on Labor and Tourism

Date: Tuesday, February 1, 2022

Time: 9:30 a.m.

Place: Conference Room 312  
State Capitol  
415 South Beretania Street  
*Via Videoconference*

From: Marcus R. Oshiro, Chairperson  
Sesnita A.D. Moepono, Member  
J N. Musto, Member

**Re: H.B. No. 1789 RELATING TO COLLECTIVE BARGAINING**

**I. OVERVIEW OF PROPOSED LEGISLATION**

HB 1789 proposes to amend HRS § 89-5 by 1) amending the method of appointment of one Board member.

The Hawai'i Labor Relations Board provides comments about this measure.

**II. CURRENT LAW**

The Hawai'i Labor Relations Board consists of a Board chairperson, who is representative of the public, and two Board members, one of whom is representative of management and one of whom is representative of labor.

HRS § 89-5 specifies that all three members are appointed to six-year terms by the governor. For the representative of labor, the governor is given a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives.

### III. COMMENTS ON THE HOUSE BILL

#### HLRB's Jurisdiction

The Hawai'i Labor Relations Board, as created by HRS § 89-5, is a quasi-judicial Board with original jurisdiction over two chapters of the HRS, HRS Chapter 89 (state public sector collective bargaining) and HRS Chapter 377 (state private sector collective bargaining), and *de novo* appellate review of a third HRS Chapter 396 (state occupational safety and health citation and whistleblower discrimination cases). In appointing the representative of labor under HRS § 89-5, the governor is given a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives.

Although the HLRB has jurisdiction over three laws, only **one** of the three constituencies served under these laws, the state public employment collective bargaining sector, currently has a voice as to who sits on the HLRB.

Approximately **50%** of the cases before the HLRB in recent years have been appeals under HRS § 396 (HIOSH). Yet, HIOSH, private employers and the private sector unions whose members may bring discrimination or other types of protected activity appeals under HRS § 396 have no voice as to who sits on the Board.

Private sector employers and unions, whose areas of work do not fall under the National Labor Relations Board's (NLRB) jurisdiction, comprise a small number of HLRB cases, but they also have no say as to who sits on the Board.

The Board respectfully notes that, should the Legislature wish to alter the way that a member of the HLRB is nominated, the Legislature should take into account the Board's other constituencies as well.

#### Constitutional Concerns

In the last Legislative session, a bill containing a similar provision raised constitutional concerns. Specifically, Senator Ihara raised the concern that mandating that the Governor appoint a particular individual—rather than providing him with options of individuals to appoint—could violate Article V, Section 6 by making the Governor's role merely ministerial.

The Board feels a responsibility to bring forth this concern to the attention of this Committee in its deliberations over HB 1789.



### Majority of Exclusive Representatives

At this time, there are fifteen public sector bargaining units. Of those fifteen units, a majority have the same, certified exclusive representative.

Based on the wording of the bill, it is unclear whether this exclusive representative would be able to select its chosen member, without consent of any other public sector exclusive representative.

Essentially, fifteen exclusive representatives have been certified in accordance with HRS § 89-8. However, the majority of those certifications refer to the same union. Therefore, under the current language, that union could, theoretically, select an HLRB Board member representative of labor who all other exclusive representatives did not want.

Accordingly, if the intent is to allow every union to have a voice in selecting the HLRB Board member representative of labor, HLRB respectfully submits that the language should be clarified to ensure that a single union cannot choose that member on its own.

HLRB takes no position on this bill but feels compelled to raise these three concerns. Thank you, and HLRB will be available for any questions.



## HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO  
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929  
TELEPHONE (808) 949-1566 FAX: (808) 952-6003  
WEBSITE: [www.hawaiifirefighters.org](http://www.hawaiifirefighters.org)

---

HOUSE OF REPRESENTATIVES  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2022  
February 1, 2022

Committee on Labor and Tourism

Testimony by  
Hawaii Fire Fighters Association

H.B. No. 1789

RELATING TO COLLECTIVE BARGAINING

LAT, JHA, FIN

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all of our members, **supports H.B. No. 1789** which provides for the appointment of the Labor Representative on the Hawaii Labor Relations Board to be selected by a majority of the Exclusive Representatives with the Senate confirmation.

HFFA supports this proposal as it provides the statutory framework in which the exclusive representative organizations are in concurrence, by a simple majority, on the submission of one nominee to the HLRB serving as the Labor Representative. It certainly does not affect the balance on the Board rather it enhances the nomination process by providing the exclusive representatives the autonomy to mutually agree on the most qualified nominee to represent the interest of the working women and men in public service.

Thank you for the opportunity to testify. We appreciate your favorable consideration of H.B. No. 1789.

**Bill:** House Bill 1789  
**Title:** Relating to Collective Bargaining  
**Position:** SUPPORT  
**Committees:** Labor and Tourism  
**Date:** February 1, 2022 9:30 am

Aloha Honorable Chair Onishi, Vice Chair Sayama, and Committee Members,

My name is Vickie Parker Kam and I have been a public school educator for over 20 years in the Leeward District. My father-in-law was IATSE, my husband a Teamster, I am an active HSTA member, we are a union family. As such, I am writing in support of HB1789 Relating to Collective Bargaining.

This bill 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. Allowing bargaining units to select their own representative to the Board ensures that our voices are heard. Hawaii Constitution article XIII grants our citizens the right to organize and collective bargain with employers and the State. HB1789 supports union voice by ensuring the units choose their representative.

Mahalo Nui Loa,  
Vickie Parker Kam  
Educator, Ilima Intermediate  
HSTA Board of Director (speaking as an individual)  
Makakilo/Kapolei Resident

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON LABOR & TOURISM  
ON  
HOUSE BILL NO. 1789

**February 1, 2022**  
**9:30 a.m.**  
**Room 312 & Videoconference**

RELATING TO COLLECTIVE BARGAINING

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 1789, amends Chapter 89, HRS, by changing the appointment process for the representative of labor on the Hawai'i Labor Relations Board by reducing the number of names provided by the exclusive representatives of labor from three names to one. The process to determine the nominee whose name is to be submitted to the Governor would be determined by a simple majority of the exclusive representatives certified pursuant to Section 89-8, HRS. The Governor would be required to transmit the name of the person nominated to serve as the representative of labor to the Senate for advice and consent no later than 20 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, then the simple majority of exclusive representatives who recommended the person would be allowed to transmit the person's name directly to the Senate for confirmation.

B&F notes that reducing the amount of numbers provided from three to one effectively removes any meaningful role by the Governor in the appointment process.

B&F defers to the Office of Collective Bargaining as to the impact of this policy.

Thank you for your consideration of our comments.