



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Thirty-Second Legislature, State of Hawaii
The House of Representatives
Committee on Labor and Government Operations

Testimony by
Hawaii Government Employees Association

February 14, 2023

H.B. 1205 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1205 which specifies that exclusive representatives of public employees are not required to provide grievance representation to collective bargaining unit members who neither pay dues nor dues equivalents and who decline to pay reasonable costs of representation.

For decades the Hawaii Government Employee Association has fought to advance and protect the rights of employees across the State, Counties, Judiciary, Department of Education, and the University of Hawaii System. Since the 2018 *Janus vs AFSCME US* Supreme Court decision, public sector unions across the country have been required by law to represent non-due paying members who have been adversely affected by the employer through the grievance process. At times the grievance process can be lengthy and can cost the union thousands of dollars. Without the ability to collect fair share fees from all employees', the non-due paying member has access to these expensive services without having to pay a dime. This measure would require the non-due paying members to 'pay their fair share' if they need union representation, which would strengthen the financial stability of all public sector unions in Hawaii.

Thank you for the opportunity to provide testimony in strong support of H.B. 1205

Respectfully submitted,

Randy Perreira
Executive Director



The House Committee on Labor & Government Operations
Tuesday, February 14, 2023
9:30 am
Room 304, Videoconference

RE: **HB 1205 Relating to Collective Bargaining**

Attention: Chair Scot Matayoshi, Vice Chair Andrew Garrett and members of the Committee

The University of Hawaii Professional Assembly (UHPA) **strongly supports the passage of HB1205.**

This amendment to HRS, Chapter 89, §89-8, addresses the impact of the US Supreme Court case in *Janus v American Federation of State, County, and Municipal Employees Council 31, ET. AL.* and the instability in the financial integrity of any given public sector exclusive bargaining representative. Since bargaining unit members are not required to pay any fees to support the exclusive bargaining representative, there is a negative financial impact on the ability of the exclusive bargaining representative to provide appropriate representation on contractual matters to their members.

HB 1205 specifies that the exclusive bargaining representatives of public employees are not required to provide grievance representation, to include grievance arbitration, to collective bargaining unit members who neither pay dues nor dues equivalents; and who decline to pay reasonable costs of the representation.

UHPA has the most diverse bargaining unit in the state, not only in type of work performed, but also the terms and conditions of employment, including compensation. The proposed legislation is an essential tool to address the unique demands of a bargaining unit that historically has a significant percentage of non-members, while simultaneously providing all public sector bargaining units with the same essential tools.

Hawai'i has a mature, unique and distinct collective bargaining law that governs collective bargaining for public sector employees. UHPA is seeking clarity in the law that recognizes the changed circumstances and challenges. This measure seeks to provide the flexibility necessary for an alternative approach with a modification of the duty of fair representation. There is nothing in the *Janus* decision that states that individuals get

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something for nothing. In fact, there is a basis for this approach that is found in the Janus decision under footnote 6. This measure does not mandate the exclusive bargaining representatives to take any action. It simply provides an option for the exclusive bargaining representatives to consider as a solution for long term viability.

Thank you for the opportunity to provide testimony in **strong support of HB 1205**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. L. Fern', with a long horizontal flourish extending to the right.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly