



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS
" A Police Organization for Police Officers Only "
Founded 1971

March 21, 2023

VIA ONLINE

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice-Chair
Senate Committee on Judiciary
Hawaii State Capitol, Room 228, 201
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 161 HD1 SD1 - Relating to Collective Bargaining**

Dear Chair Rhoads, Vice-Chair Gabbard, 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 HB 161 HD1 SD1 subject to it being effective upon approval as originally proposed and subject to reinsertion of the language setting forth a 20-day time period for the Governor to submit his/her nominee to the senate and if no submission made, allowing the simple majority of exclusive representatives to directly transmit the person's name for confirmation.

As you know, this bill would 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 most recent version of the bill eliminates language setting forth a 20-day time period for the Governor to submit his/her nominee to the senate and if no submission made, allowing for direct transmission of the person's name for confirmation. We strongly support reinsertion of this language as it is a primary purpose and intent of this measure and will facilitate a timely, orderly efficient nomination and confirmation process thereby avoiding long periods of vacancy on the HLRB.

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 statutorily 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.

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shopohawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice-Chair
Senate Committee on Judiciary
March 21, 2023
SHOPO Testimony Page 2

Re: **HB 161 HD1 SD1 - Relating to Collective Bargaining**

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.

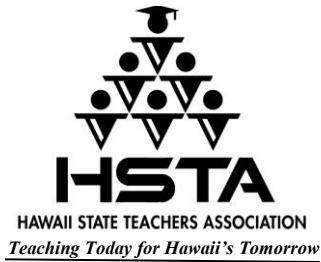
The bill maintains that the governor will continue to select the labor representative. Placing time limits on the governor decision ensures that the executive branch will act expeditiously so that the unions have their representative appointed and sitting on the board in a timely manner. If the governor fails to act, the bill provides that the unions will have the option of transmitting the name to the Senate for confirmation which will avoid the consequences of a situation where the governor sits on a nomination for a prolonged period of time leaving the unions without a representative on the board. Thus, this language should be reinserted to the bill.

In addition, these agencies seem to forget that the labor representative is the union’s choice and is selected by the unions and not them. Whether it is one name or three names, the labor representative should be the unions’ choice and for the unions to decide because at the end of the day the labor representative is the person the unions want representing them on the board.

By allowing the public unions to select their labor representative by a simple majority, HB 161 HD1 SD1 will ensure that the public unions’ labor representative on the HLRB is truly their choice and selection just as the employer’s representative on the HLRB is the employer’s 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 with the comments we have suggested and allow this bill to take effect upon its approval.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President



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
Ann Mahi
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: HB 161 HD1 - RELATING TO COLLECTIVE BARGAINING.

FRIDAY, MARCH 24, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads and Members of the Committee:

The Hawaii State Teachers Association **supports HB 161 HD1**, relating to collective bargaining. This bill revises SECTION 1. Section 89-5, Hawaii Revised Statutes, to change the process of the selection of the labor representative on HTSB, as written in the language of this bill.

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. We agree with HGEA that 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 manage operations.** HLRB is composed of three members - a representative of labor, a representative of management, and the chairperson who shall represent the public interest. **The Governor already 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. Currently, 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. 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 change this process 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. 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-Second Legislature, State of Hawaii
The Senate
Committee Judiciary

Testimony by
Hawaii Government Employees Association

March 24, 2023

H.B. 161, H.D. 1, S.D. 1 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 161, H.D. 1, S.D. 1 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 manage 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 a 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. 161, H.D. 1, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



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.hawaii firefighters.org

THE SENATE
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023
March 24, 2023

Committee on Judiciary

Testimony by
Hawaii Fire Fighters Association

H.B. No. 161
H.D. 1, S.D. 1

RELATING TO COLLECTIVE BARGAINING

LBT, JDC

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 2,000 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all of our members, **supports H.B. No. 161, H.D. 1** 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. 161, H.D. 1, S.D. 1.