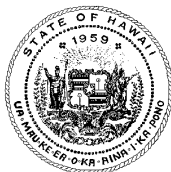


**JOSH GREEN, M. D.**  
GOVERNOR  
KE KIA'ĀINA



**BRENNA H. HASHIMOTO**  
CHIEF NEGOTIATOR

**SYLVIA LUKE**  
LT. GOVERNOR  
KA HOPE KIA'ĀINA

**STATE OF HAWAII'  
OFFICE OF COLLECTIVE BARGAINING  
EXECUTIVE OFFICE OF THE GOVERNOR**

235 S. BERETANIA STREET, SUITE 1201  
HONOLULU, HAWAII'1 96813-2437

Statement of  
**BRENNA H. HASHIMOTO**  
Chief Negotiator, Office of Collective Bargaining

Before the  
**HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS**  
Tuesday, January 31, 2023  
9:00AM  
State Capitol, Conference Room 309

In consideration of  
**HB 161, RELATING TO COLLECTIVE BARGAINING**

Chair Matayoshi, Vice Chair Garrett, and the members of the committee.

The Office of Collective Bargaining (OCB) appreciates the intent of HB 161. 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. However, we must respectfully oppose this measure.

OCB is concerned for the following reasons:

1. 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.
2. Current practice is for the Governor to make an appointment from a list of three (3) nominees submitted by mutual agreement from a majority of the exclusive representatives.
3. We believe there is no compelling reason to limit the pool of nominees from three to one.

Thank you for the opportunity to provide testimony and comments on this measure.



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

January 27, 2023

**ONLINE / FAX: 808-586-8474; 586-8479**

The Honorable Scot Z. Matayoshi  
Chair  
The Honorable Andrew Takuya Garrett  
Vice-Chair  
House Committee on Labor & Government Operations  
Hawaii State Capitol, Room 323, 422  
415 South Beretania Street  
Honolulu, HI 96813

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

Dear Chair Matayoshi, Vice-Chair Garrett, 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. 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 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.

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. I note that OCB raised a concern with the bill that it would somehow diminish the governor's authority to appoint the labor representative. Contrary to OCB's assertion, the bill maintains that the governor will continue to select the labor

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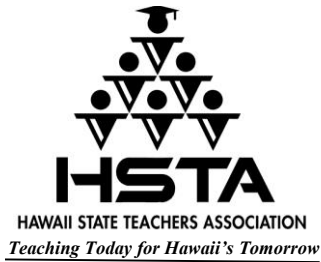
The Honorable Scot Z. Matayoshi, Chair  
The Honorable Andrew Takuya Garrett, Vice-Chair  
House Committee on Labor & Government Operations  
Re: HB 161 - Relating to Collective Bargaining  
January 27, 2023  
SHOPO Testimony Page 2

representative but provides a time in which the governor must act. 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. In addition, OCB seems to forget that the labor representative is the union's choice and is selected by the unions and not OCB. 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 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 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 HOUSE COMMITTEE ON LABOR &  
GOVERNMENT OPERATIONS

RE: HB 161 - RELATING TO COLLECTIVE BARGAINING.

TUESDAY, JANUARY 31, 2023

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Matayoshi and Members of the Committee:

The Hawaii State Teachers Association **supports HB 161**, relating to collective bargaining. This bill revises SECTION 1. Section 89-5, Hawaii Revised Statutes, to state that The representative of labor shall be a person who is appointed by the governor [from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives;] 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.**

**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.



The House Committee on Labor & Government Operations  
January 31, 2023, 9:00 am  
Conference Room 309  
Videoconference

RE: **HB 161 Relating to Collective Bargaining**

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

HB 161 Relating to Collective Bargaining seeks to amend §89-5, HRS, to ensure that the the certified exclusive representatives of labor, as defined in §89-8, HRS, clearly have a voice in determining the representative of labor to sit on the Hawai'i Labor Relations Board (HLRB).

Historically, the exclusive representatives have been offered input on the representative of labor, but the ultimate decision was always made by the Governor. This legislation ensures a process that provides direct input from the representatives of labor working together to provide the nominee to be submitted to the Governor and ensures the appointment to the HLRB to be chosen by the exclusive representatives to represent labor's interests.

We appreciate the opportunity to submit testimony in **support of HB 151** Relating to Collective Bargaining.

Respectfully submitted,

Christian L. Fern  
Executive Director  
University of Hawaii  
Professional Assembly

Respectfully submitted,

JOSH GREEN, M.D.  
GOVERNOR



LUIS P. SALAVERIA  
DIRECTOR

SABRINA NASIR  
DEPUTY DIRECTOR

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

STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE  
*Ka 'Oihana Mālama Mo'ohelu a Kālā*  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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

**WRITTEN ONLY**  
TESTIMONY BY LUIS P. SALAVERIA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS  
ON  
HOUSE BILL NO. 161

**January 31, 2023**  
**9:00 a.m.**  
**Room 309 and Videoconference**

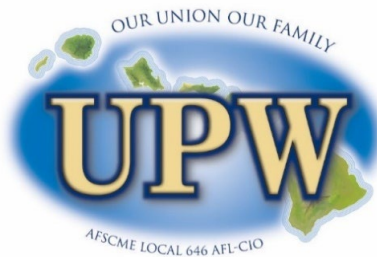
RELATING TO COLLECTIVE BARGAINING

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

House Bill No. 161, 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 number of nominees 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.



**THE SENATE  
KA 'AHA KENEKOA  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2023**

**Committee on Labor & Government Operations**

Rep. Scot Z. Matayoshi, Chair  
Rep. Andrew Takuya Garret, Vice Chair

Tuesday, January 31, 2023  
Conference Room 309 and via Videoconference

**Re: Testimony in SUPPORT of HB161 – RELATING TO COLLECTIVE BARGAINING**

Chair Matayoshi, Vice Chair Garrett, 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** HB161, which requires the representative of labor on the Hawaii Labor Relations Board to be a person selected by a simple majority of the exclusive representatives of the collective bargaining units and provides a timeframe for the governor to appoint the representative of labor following the submission of the nominee's name. This bill also allows the exclusive representatives to transmit the nominee's name directly to the Senate if the Governor fails to do so within 20 days.

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. The 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,

Kalani Werner  
State Director



## 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  
House of Representatives  
Committee on Labor and Government Operations

Testimony by  
Hawaii Government Employees Association

January 31, 2023

### H.B. 161 — RELATING TO COLLECTIVE BARGAINING

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

Respectfully submitted,

Randy Perreira  
Executive Director