



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**THE SENATE
KA 'AHA KENEKOA
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, April 2, 2024, 10:05 AM
Conference Room 016 & Videoconference

Re: Testimony on HB1642, HD1, SD1 – RELATING TO GENERAL EMPLOYEE ORIENTATION

Chair Rhoads, Vice Chair Gabbard, 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.

UPW **supports** HB1642, HD1, SD1, which allows an employee or the exclusive representative, if applicable, to file a complaint with the Hawaii Labor Relations Board if the employer fails to comply with section 78-64, Hawaii Revised Statutes (“HRS”), relating to general employee orientation.

As currently written, §78-63, HRS, an employer is required to provide newly hired employees with a general orientation on their benefits and rights within 20 calendar days of being hired, and the exclusive representative who represents the employees may attend the general orientation to present information on their benefits and rights. While most employers comply with this requirement, there are some who do not.

As a result, it is often the exclusive representative who is left to identify a new employee’s worksite and inquire about their work schedule in order to provide them with information about their rights as a public employee. This information may include a copy of their bargaining unit contract and their Weingarten Rights, which provides them with the right to union representation during a meeting with an employer that could lead to disciplinary action. Without this critical information, new employees may not be aware of their rights until their exclusive representative is able to initiate contact with them.

Furthermore, there is no penalty, whether in statute or in our unit contracts, if an employer does not meet this requirement. Providing an exclusive representative with the ability to file a complaint with the Hawaii Labor Relations Board, as is proposed in this bill, ensures that any newly hired employee is

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not denied this important information and an employer is held responsible for not complying with a statutory requirement.

Mahalo for the opportunity to testify in support of this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner", with a long horizontal flourish extending to the right.

Kalani Werner
State Director

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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Thirty-Second Legislature, State of Hawaii
The Senate
Committee on Judiciary

Testimony by
Hawaii Government Employees Association

April 2, 2024

H.B. 1642, H.D. 1, S.D. 1 — RELATING TO GENERAL EMPLOYEE ORIENTATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 1642, H.D. 1, S.D. 1, which allows an employee or the exclusive representative, if applicable, to file a complaint with the Hawai'i Labor Relations Board if the employer fails to comply with section 78-64, Hawai'i Revised Statutes, relating to general employee orientation.

Most employees who join government service will have similar statutorily provided benefits from the Employees Retirement System and the Employer-Union Health Benefits Trust Fund; therefore, it makes sense to ensure uniformity and consistency across jurisdictions. Additionally, Exclusive Representatives must represent every employee in a bargaining unit, regardless of the employee's membership status which is appropriate for representatives to meet and discuss employees' rights and benefits as provided by their collective bargaining agreement. Currently, certain State Departments do not follow 78-64, Hawaii Revised Statutes which has led to a reduction in employee education about their rights and benefits. Employees are entitled to this right and unfortunately the employer is denying it. Currently, the law is unclear on the necessary appeals process – therefore, we would like to clarify that the Hawaii Labor Relations Board handle any complaint from employees or Exclusive Representatives in respect to this issue.

Thank you for the opportunity to provide testimony in strong support of H.B. 1642, H.D. 1, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director