



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1642, RELATING TO GENERAL EMPLOYEE ORIENTATION.

BEFORE THE:

HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

DATE: Thursday, February 1, 2024 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 309 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Amanda Donlin, Deputy Attorney General, or
James E. Halvorson, Deputy Attorney General

Chair Matayoshi and Members of the Committee:

The Department of the Attorney General provides the following comments with regard to this bill.

We believe that this bill is intended to create a right for an employee or exclusive representative, if applicable, to file a complaint with the Hawaii Labor Relations Board, pursuant to chapter 89, Hawaii Revised Statutes (HRS), if the employer does not comply with section 78-64, HRS, relating to general employee orientation.

However, this bill's amendment to section 78-64 adds a new subsection (c) that expressly states that the employee or exclusive representative may file a complaint should the employer violate any provision of "this subsection," which only provides that the employee or exclusive representative may file a complaint and does not appear to set forth any provision that the employer could violate. Moreover, chapter 89 does not provide for complaints to be filed for violations of section 78-64. Chapter 89 allows for prohibited practice complaints to be filed with the Hawaii Labor Relations Board under the provisions set forth in sections 89-13 and 89-14. Section 89-13(a) enumerates several circumstances under which the employee or exclusive representative may allege that the employer committed a prohibited practice, but none of these circumstances includes a violation of section 78-64.

There is also no other provision in chapter 89 that addresses section 78-64.

If the intent of this bill is to allow an employee or his or her exclusive representative to file a complaint with the Hawaii Labor Relations Board for the employer's failure to provide a general orientation on the employee's benefits and rights, then including a specific prohibition against such conduct in section 89-13(a) may better achieve that objective.

Thank you for the opportunity to present this testimony.

MARCUS R. OSHIRO
CHAIRPERSON



SESNITA A.D. MOEPONO
BOARD MEMBER

STACY MONIZ
BOARD MEMBER

830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813

HAWAII LABOR RELATIONS BOARD
KA PAPA LIMAHANA O HAWAII

WWW.LABOR.HAWAII.GOV/HLRB
DLIR.LABORBOARD@HAWAII.GOV

WRITTEN ONLY

Testimony Presented Before the
House Committee on Labor & Government Operations
The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair

Thursday, February 1, 2024 at 9:00 a.m.
Via Videoconference
Conference Room 309, State Capitol

by
Marcus R. Oshiro
Chairperson, Hawai'i Labor Relations Board

H.B. No. 1642, Relating to General Employee Orientation

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB) takes no position on H.B. No. 1642 and defers to the Legislature to determine whether an employee or the exclusive representative, if applicable, should be allowed to file a complaint with the HLRB if the employer fails to comply with section 78-64, Hawai'i Revised Statutes, relating to general employee orientation.

Thank you for the opportunity to provide testimony on H.B. No. 1642.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

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

Thursday, February 1, 2024, 9:00 AM
Conference Room 309 & Videoconference

Re: Testimony on HB1642 – RELATING TO GENERAL EMPLOYEE ORIENTATION

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.

UPW supports HB1642, 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

HEADQUARTERS

1426 North School Street
Honolulu, Hawaii 96817-1914
Phone 808.847.2631

HAWAII

362 East Lanikaula Street
Hilo, Hawaii 96720-4336
Phone 808.961.3424

KAUAI

2970 Kele Street, Suite 213
Lihue, Hawaii 96766-1803
Phone 808.245.2412

MAUI

841 Kolu Street
Wailuku, Hawaii 96793-1436
Phone 808.244.0815

1.866.454.4166

Toll Free - Molokai/Lanai only

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

HEADQUARTERS

1426 North School Street
Honolulu, Hawaii 96817-1914
Phone 808.847.2631

HAWAII

362 East Lanikaula Street
Hilo, Hawaii 96720-4336
Phone 808.961.3424

KAUAI

2970 Kele Street, Suite 213
Lihue, Hawaii 96766-1803
Phone 808.245.2412

MAUI

841 Kolu Street
Wailuku, Hawaii 96793-1436
Phone 808.244.0815

1.866.454.4166

Toll Free - *Molokai/Lanai only*



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 House of Representatives
Committee on Labor and Government Operations

Testimony by
Hawaii Government Employees Association

February 1, 2024

H.B. 1642 — 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 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.

Respectfully submitted,


Randy Perreira
Executive Director