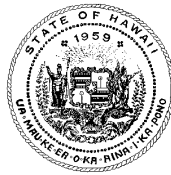


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENN H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

BRIAN K. FURUTO
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENN H. HASHIMOTO
Director, Department of Human Resources Development

Before the
HOUSE COMMITTEE ON LABOR
Tuesday, February 11, 2025
9:00 AM
State Capitol, Conference Room 309

In consideration of
HB 161, Relating to Collective Bargaining

Chair Sayama, Vice Chair Lee, and the members of the committee.

The Department of Human Resources Development (HRD) appreciates the intent of HB 161, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge and allows any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge. However, we must respectfully oppose this measure for the following reasons:

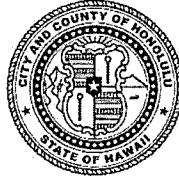
- Providing the right to grieve a suspension or discharge for employees exempt from civil service is not consistent with the nature of their employment, which is "at will."
- Unlike civil service employees, exempt employees are not hired via the merit principle, hence their "at will" status.
- While "at will" employment means they may be discharged at the prerogative of the Employer, it must still be subject to applicable federal and state employment laws.
- Finally, exempt employees do have recourse to appeal a suspension or discharge via the employing department's Internal Complaint Procedure.

We are available to answer any questions or provide further information as needed.

DEPARTMENT OF HUMAN RESOURCES
KA 'OIHANA HO'OMOHALA LIMAHAHA
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



NOLA N. MIYASAKI
DIRECTOR
PO'O
FLORENCIO C. BAGUIO, JR.
ASSISTANT DIRECTOR
KOKUA PO'O

February 11, 2025

The Honorable Jackson D. Sayama, Chair
The Honorable Mike Lee, Vice Chair
and Members of the House Committee on Labor
The House of Representatives, Room 309
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Sayama, Vice Chair Lee, and Members of the Committee:

SUBJECT: House Bill No. 161 Relating to Collective Bargaining

The Department of Human Resources, City and County of Honolulu, understands the intent of House Bill No. 161, which would repeal the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge, unless the relevant collective bargaining agreement specifically provides otherwise. We note that this is a matter that has previously been specifically delegated as a matter for parties to collectively bargain over, and that, generally, issues subject to collective bargaining are preferred to remain subject to collective bargaining versus legislative action.

We thank you for giving us the opportunity to submit our comments on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nola N. Miyasaki".

Nola N. Miyasaki
Director Designate



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025**

COMMITTEE ON LABOR
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

Tuesday, February 11, 2025, 9:00 AM
Conference Room 309 & Videoconference

Re: Testimony on HB161 – RELATING TO COLLECTIVE BARGAINING

Chair Sayama, Vice Chair Lee, 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 HB161, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge. This measure also allows any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge.

While there are currently no exempt positions that would be represented by UPW should this bill become law, we believe that all public employees should have the right to grieve a suspension or discharge in a manner that is consistent with the protections available to civil service employees. Furthermore, this legislation would ensure that all public employees, regardless of their employment status, are treated fairly.

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

HEADQUARTERS

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Toll Free - Molokai/Lanai only



Randy Perreira
President

HAWAII STATE AFL-CIO

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Telephone: (808) 597-1441

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The Thirty-Third Legislature
The House of Representatives
Committee on Labor

Testimony by
Hawaii State AFL-CIO

February 11, 2025

TESTIMONY IN SUPPORT OF HB161 – RELATING TO COLLECTIVE BARGAINING

Chair Sayama, Vice Chair Lee, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, ensuring safe working conditions, and supporting policies that strengthen Hawaii's workforce.

We are in support of HB161 because it enhances workplace protections by ensuring that all employees who are part of an appropriate bargaining unit have access to fair grievance procedures. Extending these protections to employees previously excluded under civil service law strengthens the collective bargaining process and promotes accountability in employment decisions.

Providing a pathway to grieve suspensions or discharges fosters transparency and fairness in the workplace while reducing the risk of arbitrary or unjust employment actions. This is a positive step toward ensuring all employees have a voice in addressing critical workplace issues.

We respectfully urge the committee to pass this measure to uphold workers' rights and strengthen Hawaii's commitment to fair labor practices.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira
President

HB-161

Submitted on: 2/7/2025 9:11:59 PM

Testimony for LAB on 2/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pride at Work – Hawai‘i	Pride at Work – Hawai‘i	Support	Written Testimony Only

Comments:

Aloha Representatives,

Pride at Work – Hawai‘i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai‘i fully supports HB 161.

We ask that you support this needed piece of legislation.

Mahalo,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai‘i](#)



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Labor

Testimony by
Hawaii Government Employees Association

February 11, 2025

H.B. 161 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the passage of H.B. 161, which repeals the prohibition placed on certain employees exempt from civil service law from grieving a suspension or discharge and allows any employee who is a member of an appropriate bargaining unit to grieve a suspension or discharge.

The creation of exempt positions within state government was originally intended for services that were deemed unique and/or temporary for the state. Currently, we believe that the use of exempt positions has strayed away from its original intent. Over these past few years, we have seen an increase in the use of exempt positions, which in large part, is likely due to our lethargic civil service hiring process, and our states inability to increase position pay to a competitive rate. According to the Executive Branch Workforce Profile report submitted to this body each year, in 2020 there was 1715 exempt employees within the State Executive Branch under the personnel system administered by DHRD, today there is 2390 exempt employees, which reflects a significant increase in the use of exempt positions. To note, the total number of civil service employees have decreased within that highlighted timeframe. The ugly truth is that positions that have been historically provided by civil servants may now be provided by exempt employees or a combination of both.

Although these employees are covered under their respective collective bargaining agreement's pursuant to Chapter 89 HRS, the statue prohibits these employees from appealing any disciplinary action through the grievance process, effectively making exempt employees "at will" and not subject to just cause. Given the increase in the creation of more exempt positions, regardless of whether the exemption is true to the original intent, we find that it would be equitable to allow these employees to be covered under just cause, just like civil servants. Furthermore, fair and reasonable job security is one of the components that makes state employment attractive – we believe that this measure will help with the recruitment of employees by ensuring that they receive workplace protections that otherwise they would not be entitled too.

Thank you for the opportunity to provide testimony in strong support of H.B. 161.

Respectfully submitted,

Randy Perreira
Executive Director

HB-161

Submitted on: 2/7/2025 9:41:47 PM

Testimony for LAB on 2/11/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB161.

Mike Golojuch, Sr.