



## 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 Senate  
Committee on Labor and Technology

Testimony by  
Hawaii Government Employees Association

January 31, 2025

### S.B. 337 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the passage of S.B. 337, authorizes the Hawai'i Labor Relations Board to request the Federal Mediation and Conciliation Service (FMCS) to furnish a list of five qualified and experienced interest arbitrators in the event the parties fail to select the neutral third member of the arbitration panel, and clarifies that the list of five interest arbitrators may contain arbitrators from both the American Arbitration Association (AAA) and the Federal Mediation and Conciliation Service.

The HGEA represents nine out of the fifteen public sector bargaining units. All HGEA bargaining units with respect to impasse procedures, including the composition of the arbitration panel is in accordance with Hawaii Revised Statutes, Chapter 89-11(e). The interest arbitration panel shall be comprised of three members. One shall be selected by the employer, and one shall be selected by the exclusive representative. The neutral third member of the arbitration panel shall be selected by mutual agreement between both parties, provided that if the parties fail to select the neutral third member of the panel the Hawaii Labor Relations Board shall request the AAA to furnish a list of five interest arbitrators from which the neutral third member will be selected.

Since the AAA is the only statutorily listed organization that can provide the list of five interest arbitrators - we support the intent of this measure as it specifically and only aims to expand the pool of experienced and qualified interest arbitrators by statutorily adding the FMCS. The FMCS has experience across the country in providing qualified individuals that can dually serve as both an interest arbitrator and mediator. Other affiliate unions under the American Federation of State, County, and Municipal Employees (AFSCME) have used this organization's services to resolve labor disputes. An expanded pool of interest arbitrators will better ensure that the chair of the arbitration panel is capable of rendering a decision for public employees, the public employers, and the public, with respect to collective bargaining.

Thank you for the opportunity to testify in strong support of S.B. 337.

Respectfully submitted,

Randy Perreira  
Executive Director

DWIGHT TAKAMINE  
INTERIM CHAIRPERSON



STACY MONIZ  
BOARD MEMBER

CLARK HIROTA  
BOARD MEMBER

830 PUNCHBOWL STREET, ROOM 434  
HONOLULU, HAWAII 96813

HAWAII LABOR RELATIONS BOARD  
KA PAPA LIMAHANA O HAWAII

[WWW.LABOR.HAWAII.GOV/HLRB](http://WWW.LABOR.HAWAII.GOV/HLRB)  
[DLIR.LABORBOARD@HAWAII.GOV](mailto:DLIR.LABORBOARD@HAWAII.GOV)

Testimony Presented Before the  
Committee on Labor and Technology  
The Honorable Henry J.C. Aquino, Chair  
The Honorable Chris Lee, Vice Chair

Friday, January 31, 2025 at 3:00 p.m.  
Via Videoconference and  
Conference Room 224, State Capitol

by  
Dwight Takamine  
Interim Chairperson, Hawai'i Labor Relations Board

**S.B. No. 337, Relating to Collective Bargaining**

Chair Aquino, Vice Chair Lee, and Members of the Committee:

The Hawai'i Labor Relations Board (Board) takes no position on S.B. No. 337, and defers to the Legislature to determine whether the Board should include the Federal Mediation and Conciliation Service to furnish a list of five qualified and experienced interest arbitrators in the event the parties fail to select the neutral third member of the arbitration panel during an impasse under HRS § 89-11(e).

The Legislature determined under HRS § 89-1(b) that “it is the public policy of the State to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government.”

The Board's own rules support this legislative intent under HAR § 12-43-1111 that states “It is the policy of the board to encourage parties to any labor dispute to voluntarily settle their differences; however, if the parties are unable to resolve their differences, the board shall assist the parties as required by law in resolving any labor dispute through mediation or arbitration to promote cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government.”

Under HRS § 89-11, the Board is tasked to assist the public employer and the exclusive representative at times during an impasse and to the extent requested by the parties in their alternative impasse procedures. As of today, only Bargaining Unit 7 has reached a final agreement in their negotiations. The remaining 14 bargaining units have either already declared an impasse or will have reached impasse by the end of the day. The Board has already been engaging with parties who have declared an impasse with bargaining units 9, 11, 12, and 15.

During an impasse, HRS § 89-11 presently allows the Board to request the American Arbitration Association, or its successor function, to furnish a list of 5 qualified and experienced interest arbitrators to the parties from which the neutral arbitrator will be selected.

AAA maintains a panel of approximately 7,500 arbitrators and mediators.<sup>1</sup> The Federal Mediation and Conciliation Services provided about 9,706 arbitration panels.<sup>2</sup>

Allowing the Board to provide the parties with an additional list of arbitrators will supply the parties another source of arbitrators to aid them in their negotiations during an impasse. Providing the parties with another avenue to select their arbitrators will not add any cost to the Board or cause the Board to expend any added resources.

Thank you for the opportunity to provide testimony on SB 337.

---

<sup>1</sup> See

[www.adr.org/StatementofEthicalPrinciples#:~:text=The%20AAA%20has%20more%20than,approximately%207%2C500%20arbitrators%20and%20mediators](http://www.adr.org/StatementofEthicalPrinciples#:~:text=The%20AAA%20has%20more%20than,approximately%207%2C500%20arbitrators%20and%20mediators) (last visited 1/30/2025).

<sup>2</sup> In FY 2023. See chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.fmcs.gov/wp-content/uploads/2024/02/FMCS-Fast-Facts-FY23-update-Jan-2024.pdf (last visited 1/30/2025).



Randy Perreira  
President

# HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Thirty-Second Legislature  
The Senate  
Committee on Labor and Technology

Testimony by  
Hawaii State AFL-CIO

January 31, 2025

## TESTIMONY IN SUPPORT OF SB337 – RELATING TO COLLECTIVE BARGAINING

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

The Hawaii State AFL-CIO is a state federation of 74 affiliate labor organizations representing over 68,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The Hawaii State AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, safe working conditions, and policies that strengthen Hawaii's workforce.

We are in support of SB337 as it strengthens the collective bargaining process by improving the method for identifying potential neutral arbitrators for interest arbitration. Expanding access to qualified arbitrators promotes impartiality and ensures the process remains efficient. This bill addresses existing challenges, ensuring arbitration continues to serve as an effective mechanism for collective bargaining between public employees and employers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RyR", is written over the typed name "Randy Perreira".

Randy Perreira  
President