

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
DLIR.LABORBOARD@HAWAII.GOV

Testimony Presented Before the
House Committee on Labor
The Honorable Jackson D. Sayama, Chair
The Honorable Mike Lee, Vice Chair

Thursday, February 6, 2025 at 9:00 a.m.
Via Videoconference and
Conference Room 309, State Capitol

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

H.B. No. 162, Relating to Collective Bargaining

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

The Hawai'i Labor Relations Board (Board) takes no position on H.B. No. 162, and defers to the Legislature to determine whether the Board should be authorized to request 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 Hawai'i Revised Statutes (HRS) §89-11(e).

HRS §89-11 presently allows the Board to request the American Arbitration Association, or its successor function, to furnish a list of five qualified and experienced interest arbitrators to the parties from which the neutral arbitrator is selected. This measure would provide the parties with another avenue to select arbitrators without adding any cost to the Board or causing the Board to expend any additional resources.

Thank you for the opportunity to provide comments on H.B. No. 162.



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

Thursday, February 6, 2025, 9:00 AM
Conference Room 309 & Videoconference

Re: Testimony on HB162 – 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 **strongly supports** HB162, which authorizes the Hawaii 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. This bill also clarifies that the list of five interest arbitrators may contain arbitrators from both the American Arbitration Association ("AAA") and the FMCS.

As mentioned above, UPW is the exclusive representative for Bargaining Unit 10, which consists of institutional, health, and correctional workers. Pursuant to Section 89-11(e), Hawaii Revised Statutes, Bargaining Unit 10 is bound by arbitration procedures should there be an impasse. If mediation fails resolve an impasse within the first twenty days after an impasse date, it shall be submitted to a three-member arbitration panel by the Hawaii Labor Relations Board ("HLRB").

This panel shall consist of the following members: one shall be selected by the employer, one shall be selected by the exclusive representative, and 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 HLRB shall request the AAA to furnish a list of five interest arbitrators from which the neutral third member will be selected.

Currently, the AAA is the only statutorily listed organization that can provide the list of five interest arbitrators. This bill merely seeks to expand the pool of experienced and qualified interest arbitrators by statutorily adding the FMCS. 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

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

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expanded pool of 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.

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

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Toll Free - *Molokai/Lanai only*



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-Third Legislature
House of Representatives
Committee on Labor

Testimony by
Hawaii State AFL-CIO

February 6, 2025

TESTIMONY IN SUPPORT OF HB162 – 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 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 HB162 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 dark ink, appearing to read "Randy Perreira".

Randy Perreira
President



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 6, 2025

H.B.162 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the passage of H.B. 162, which 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 H.B. 162.

Respectfully submitted,

Randy Perreira
Executive Director