

October 25, 2007

Senator Brian Taniguchi
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, HI 96813

Re: **Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii**

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the Department of Labor and Industrial Relations.

I have known Darwin for many years. His background in education and his experience as a prosecutor and attorney in private practice provide him with a balance that makes him highly qualified to serve as the Director for the Dept. of Labor and Industrial Relations.

Sincerely yours,



JAY L. KIMURA

cc: Senator Colleen Hanabusa
Darwin L.D. Ching, Interim Director (fax: 586-9099)

DEBRA A. KAGAWA

ATTORNEY AT LAW

A LAW CORPORATION

888 MILILANI STREET, SUITE 501-A

HONOLULU, HAWAII 96813

TEL: (808) 535-0363 • FAX: (808) 599-3798

October 23, 2007

Via Facsimile: 586-6461

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

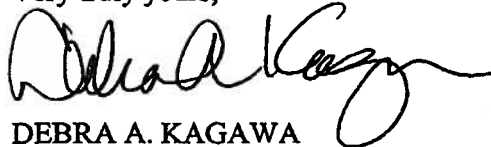
I support the confirmation of Darwin L.D. Ching as Director for the Department of Labor and Industrial Relations.

I am a solo practitioner here in Honolulu, with a focus on labor and employment issues. I have had the opportunity to work with Mr. Ching in civil litigation, and found him to be a very competent and dedicated advocate. Mr. Ching also served as a labor arbitrator in a grievance in which I represented one of the local public sector unions. He was professional throughout the proceeding, and issued an arbitration decision and award that was fair and well reasoned.

Mr. Ching's background and experience reflect an individual who has served on all sides of the court - - advocate for labor, advocate for employer, and neutral arbitrator. I am confident that with Mr. Ching's understanding and appreciation of labor and management issues, he will bring positive changes to the Department of Labor and Industrial Relations, and foster collaborative working relationships with the labor unions, businesses, the state legislature, and the community.

Thank you for the opportunity to submit this letter of support.

Very truly yours,



DEBRA A. KAGAWA

cc: Senator Colleen Hanabusa (via fax: 586-7797)
Darwin L.D. Ching, Interim Director (via fax: 586-9099)

Date Oct. 22, 2007

(Via Facsimile: 586-6461)

(Via Email: sentaniguchi@capitol.hawaii.gov)

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the Department of Labor and Industrial Relations for the following reasons:

I believe him to be an outstanding community leader as well as great father & grandfather. He has dedicated his life to community services these past 35+ years with great dedication & hard work. I strongly recommend for this position & he is excellent choice to be the next Director of the Department of Labor and Industrial Relations, State of Hawaii.

Sincerely,



Name Francis T. Aoki

cc: Senator Colleen Hanabusa (via fax: 586-7797/email: senhanabusa@capitol.hawaii.gov)
Darwin L.D. Ching, Interim Director (via fax: 586-9099/email: darwinching@hawaii.gov)

October 22, 2007

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

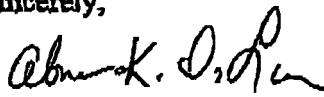
Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the Department of Labor and Industrial Relations for the following reasons:

1. His dedication to public service is evident with his years of experience in various positions and titles that he has held.
2. His mission to leave a legacy for his grandchildren speaks volumes of his determination and will to get the job done.
3. His desire to make Hawaii a better place for everyone, including his peers, his community, and the State as a whole will sustain him through this endeavor.

Sincerely,


Abner K. De Lima

cc: Senator Colleen Hanabusa
Darwin L.D. Ching, Interim Director
Senator Sam Slom

October 24, 2007

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 S. Beretania Street, Room 219
Honolulu, HI 96813

Dear Senator Taniguchi and Committee Members:

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations

My name is Colleen LaClair and I am the Deputy Director for the Department of Labor and Industrial Relations. I am writing in support of the appointment of Mr. Darwin Ching as the Director of Labor and Industrial Relations.

I did not know Mr. Ching prior to his appointment, but as his deputy, I have worked closely with him for the past two and a half months. During this time, I have come to know Mr. Ching as someone who intently listens and cares about the employees at the DLIR and also the people that the department serves.

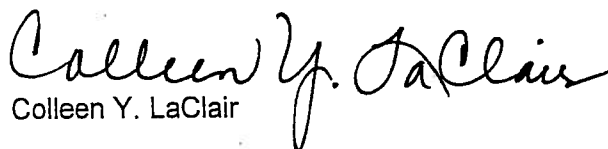
One of his first priorities since being appointed as the Interim Director has been to meet and talk with the department's employees. He has spent a great amount of time visiting the various divisions and outlying offices, and sat with their staff to learn what they do and listen to their concerns and ideas. Of utmost concern to Mr. Ching is to provide our employees with continued training and skills development to ensure they are equipped to perform their job functions, prepared for advancement in the workplace, and able to be competitive in the job market.

Every department and director has their share of issues and concerns which must be addressed. For the past two and a half months, I have watched Mr. Ching jump right in to tackle issues such as filling vacancies in our department, enhancing our website and its capabilities, reducing the backlog of elevator inspections, and reviewing the procedures and operations of agencies such as the Hawaii Occupational Safety and Health Division.

What has been consistent in my involvement and observations of Mr. Ching's efforts, is the platform from which he works; which embraces communication, collaboration and consideration of the input he receives from employees, labor groups, employers, and the public. His experience, intelligence, and genuine desire to use his skills, knowledge and abilities in public service to help improve the quality of life for the people of Hawaii, will help our department.

I respectfully urge the Committee to give Mr. Ching your favorable consideration.

Sincerely,


Colleen Y. LaClair

C: Senate President Colleen Hanabusa
Darwin L.D. Ching, Interim Director

October 24, 2007

(Via Facsimile: 586-6461)

(Via Email: sentaiguchi@capitol.hawaii.gov)

Senator Brian Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as
Department of Labor and Industrial Relations, State of Hawaii

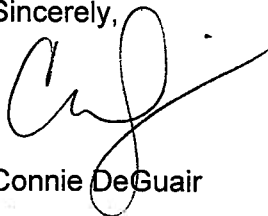
Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the Labor and Industrial Relations for the following reasons:

1. It's not often in today's day and age that you meet someone who genuinely cares about his client as a person and not just as a case. Darwin represented my daughter nearly ten years ago and he still keeps in touch, showing his honest concern for her well being. Winning the case, although important, was only secondary to his sincere desire to see her turn her unfortunate situation around and succeed. Happily, and in large part to Darwin's efforts she is the exception rather than the rule.
2. Mr. Ching has always impressed me as being an individual of unquestionable ethics.
3. Mr. Ching has the expertise and temperament to bring diverse groups together working towards a common goal.

In my opinion Darwin L.D. Ching will be an asset to Governor Lingle's team working diligently to make things better for the people of Hawaii.

Sincerely,



Connie DeGuair

Cc: Senator Colleen Hanabusa (email: senhanabusa@capitol.hawaii.gov)
Darwin L.D. Ching, Interim Director (email: darwinching@hawaii.gov)

October 24, 2007

(Via Facsimile: 586-6461)

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the Department of Labor and Industrial Relations because I have known Darwin Ching for over 10 years and I had the opportunity to retain as my attorney for several reasons including his reputation as a reputable attorney.

His professional ethics, knowledge and hard work including hours/weeks of research benefited my cases. Darwin Ching was always open to new challenges, had no fear of hard work and the proof was the results he obtained in court.

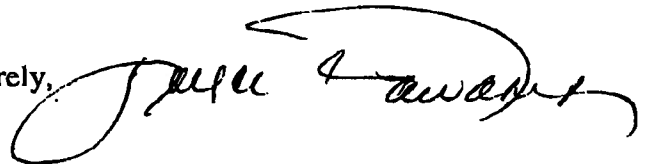
He is modest in all that he does kind, honest, generous and soft spoken but articulate and effective but never condescending. His family, friends and peers I'm sure are blessed not because he is compassionate, caring and giving but because he always supports those around him and puts them first.

I am blessed because I feel that I was/am a client/friend whom Darwin Ching has helped in his career as an attorney. I was overwhelmed with legal issues and I will be forever grateful to him for having the patience to guide me through them. His sincere support, guidance, knowledge and honest perception have made my life and that of my family to have a better existence today.

He should be a great asset to the state and to the Dept of Labor because of his integrity, character and loyalty.

JOYCE KAWAMAE
2243 Amokemoke Street
Pearl City, HI 96782
Tel: 342-8695

Sincerely,



cc: Senator Colleen Hanabusa
Darwin L.D. Ching, Interim Director

Michael G. Bannan
99-417 Aiealani Place
Aiea, Hawaii 96701

October 24, 2007

The Honorable Brian T. Taniguchi And
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Subj: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

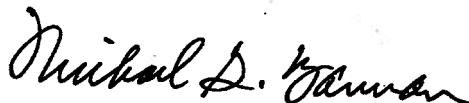
Dear Senator Taniguchi and Members:

I would like to give testimony in support of Mr. Darwin Ching's confirmation as Director of the Department of Labor and Industrial Relations. I have known Darwin Ching for about 3 years. We first met when he provided me with Legal representation in his capacity as a Divorce Attorney. This is when I recognized him to be a man of compassion, honesty, fairness and integrity. He always conducted himself in a very professional manner.

I felt that he fairly and competently represented my point of view and protected my interest at all times.

Having worked with Darwin, I am confident the he will conduct himself with the same integrity and conscientiousness in his capacity as Director of the Department of Labor and Industrial Relations. Please give him thorough consideration and support his nomination to this position.

Respectfully,



Michael G. Bannan



"wongie@hawaiiintel.net"
<wongie@hawaiiintel.net>

10/25/2007 12:00 AM

Please respond to
"wongie@hawaiiintel.net"
<wongie@hawaiiintel.net>

To sentaniguchi@capitol.hawaii.gov

cc senhanabusa@capitol.hawaii.gov, darwin.ching@hawaii.gov

bcc

Subject

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State
of Hawaii

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L.D. Ching, as Director for the
Department of Labor and Industrial Relations for the following reasons:

1. As a former employee of Mr. Ching, I had the opportunity to work
with him and to see how fairly he treated his workers, his
clients and the people he dealt with.
2. His honesty, fairness and respect that he showed towards people.
3. His willingness to help people such as myself to better themselves
in life (I became a teacher in the DOE with the guidance of Mr.
Ching).

Mr. Ching shows the "6 Character Traits" that I try to instill in my
students: Respect, Fairness, Responsibility, Trustworthiness, Caring
and Citizenship.

Sincerely,

Kelvin Wong

cc: Senator Colleen Hanabusa (via email: senhanabusa@capitol.hawaii.
gov)

Darwin L.D. Ching, Interim Director (via email: darwin.
ching@hawaii.gov)

Adrienne Y. Shimonishi Elkind
6791 Hawaii Kai Drive
Honolulu, Hawaii 96825

October 25, 2007

(Via Facsimile: 586-6461)

(Via Email: sentaniguchi@capitol.hawaii.gov)

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I am writing to express my support for the confirmation of Darwin L.D. Ching, as Director for the Department of Labor and Industrial Relations. Mr. Ching has dedicated much of his life to public service, helping our keiki as a teacher at Kaimuki Intermediate School and as a member of the State of Hawai'i Board of Education (where he was the Chair of the labor negotiations for the Hawai'i Government Employees Association Units 6 and 10) and assisting various people and agencies as an attorney at the Department of the Prosecuting Attorney for the City and County of Honolulu (including being a supervising attorney for the White Collar Crime Unit) and as a deputy attorney general with the State's Attorney General's office (where he was assigned to civil rights cases). In addition, Mr. Ching has practiced law in the private sector and has represented workers before the Disability Compensation Division of the DLIR and the Labor Board of Appeals, and in labor arbitrations. He also served as a labor arbitrator for the State on cases involving the Hawai'i Government Employees Association and United Public Workers. His work experience demonstrates his familiarity with issues and areas that the DLIR handles, his commitment to helping others, and his knowledge of the public sector and governmental agencies.

On a more personal note, I have known Mr. Ching for over 20 years, and he is an honest, hard-working, caring and dedicated man, not only in his work, but in taking care of his family. He is strong and works hard to achieve what he has set out to do, but in a fair and sensible manner, knowing that he must work with others in order to achieve his goals. Mr. Ching would serve the position of Director for the DLIR well and would work collectively with the State Legislature, governmental agencies, businesses, labor and employees and the community to achieve the goals of the DLIR.

Sincerely,



Adrienne Y. Shimonishi Elkind, Esq.

cc: Senator Colleen Hanabusa (via fax: 586-7797/email: senhanabusa@capitol.hawaii.gov)
Darwin L.D. Ching, Interim Director (via fax: 586-9099/email: darwinching@hawaii.gov)

October 23, 2007

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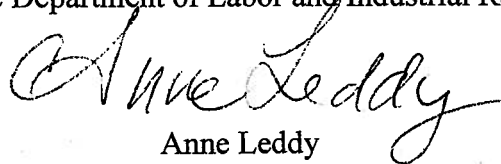
Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members,

I support the confirmation of Darwin L.D. Ching as Director of Labor and Industrial Relations for the following reasons:

1. I have found him to be a good judge of character and able to anticipate future events.
2. He handled my lawsuit with an eye towards minimizing conflict, yet we still got the desired outcome.
3. Mr. Ching collaborates well with difficult people.

Mr. Ching represented me in my efforts to collect child support, complicated by the fact that I had moved out of state. I found him to be a man with great integrity and a genuine concern for my child's future. In my opinion, his interpersonal skills would be well utilized in the position of Director of the Department of Labor and Industrial Relations.



Anne Leddy
3170 Wood Dr.
Cambria, CA 93428

cc: Senator Colleen Hanabusa
Darwin L.D. Ching, Interim Director

PINAO & ONO
Attorneys at Law

Noralynne K. Pinao
Jon R. Ono

A Law Corporation
688 Kinoole Street, Suite 218A
Hilo, Hawaii 96720-3869
E-mail: pinao.ono@hawaiiantel.net

Telephone (808) 961-0694
Fax (808) 935-7268

October 24, 2007

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

RE: Confirmation of Darwin L. D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I am in support of Darwin L. D. Ching to be confirmed as Director of the Department of Labor and Industrial Relations of the State of Hawaii.

I have known Darwin for over 50 years. We were classmates at Kaimuki Intermediate School and fellow graduates of Kalani High School. We both attended the University of Hawaii at Manoa.

Our professional paths crossed numerous times during his tenure as a deputy prosecuting attorney from 1981-1988, part of the years I spent as Prosecuting Attorney of the County of Hawaii. During these years I saw Darwin mature as a lawyer and manager, as he eventually becoming a supervising attorney in several units of that office. During his tenure as deputy prosecuting attorney, Darwin was unafraid to make difficult decisions and handled adversity very well.

More recently our personal paths crossed again in Hilo as two of Darwin's children, Darren and Darien worked at the Hawaii County Prosecutor's Office and I served as grand jury counsel for a few years. I had the pleasure of talking to and working with Darwin's children who also have strong work ethics ingrained in them. I have talked with Darwin during the times he has visited his children and grandchildren in Hilo.

His varied backgrounds as a professional in private practice and government and his management experience along with his practical experience as a teacher make him imminently qualified to be the Director of the Department of Labor and Industrial Relations. He is a multi-talented individual who will be effective in working on the issues facing this Department.

Senator Brian T. Taniguchi & Committee Members
Judiciary and labor Committee
Confirmation of Darwin L. D. Ching as Director
October 24, 2007
Page 2

I strongly urge this committee and the Senate to confirm the appointment of my friend Darwin Ching.

If you should have any questions or discussions regarding this letter, please do not hesitate in contacting us.

Sincerely,

PINAO & ONO



JON R. ONO

cc: Senator Colleen Hanabusa
Darwin L. D. Ching, Interim Director

TESTIMONY OFFERED BY EDDY CONWAY
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
CONCERNING PERSISTENT OPERATING PROBLEMS
AT THE DEPARTMENT OF LABOR

OCTOBER 25, 2007

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Of a Death in the Workplace and an Unacceptably Slow Response

On March 14 a construction worker named Frank Montayre Jr. was on the 46th floor of the Moana Pacific Building, under construction on Kapiolani Boulevard at Pensacola Street. He was not wearing a safety belt, which is meant to tie him to part of the structure. And his employer, Permasteelisa Cladding Technologies of Connecticut, there as a subcontractor of Hawaiian Dredging, did not provide an adequate fall-protection system, such as the rails and fences we commonly see attached to the perimeter of unfinished concrete floors in high-rises.

Frank Montayre worked toward a balcony on the floor, and then off the floor. He fell about 500 feet, to an abrupt death in the dirt and rubble below. He was born in Honolulu. He was 52 years old. He left a widow and three sons.

The Honolulu Police Department completed its investigation in 48 hours. The medical examiner's office closed their file in the next 48 hours. The HPD referred the matter to the Hawaii Department of Labor.

It would take the Hawaii Department of Labor 5 months – 20 weeks – to issue a citation against the construction company.

The months of delay in issuing a citation against a corporation is an index into the diminishing enforcement efforts at the Department of Labor, which we expect to protect citizens against wage exploitation, unlawful child labor, racial discrimination in employment and housing, and health and safety hazards. Ultimately the citation was issued by the Department of Labor against the negligent construction company – which was trying to save a buck on costs – only because the news media persistently asked when the Department finally would have a report on the death. Twenty weeks were required to issue this routine fatality citation because there aren't enough enforcement officers, because the Department has a *laissez-faire* policy toward corporations, because the Department routinely retaliates against loyal employees who advocate enforcement of the law and efficient methods, and because computers, servers, data structures, and the data network at the Department of Labor are so unreliable.

Moreover, we employees of the Department of Labor are told, over and over again, *ad nauseam*, that we cannot have reliable computing systems and processes because the funding will not be given to us, that the Lingle Administration will not request the funding because you – this committee, the Senate, the Legislature – will refuse to appropriate the funds necessary to create reliable systems. I am here today partly to learn – Is that so? The Lingle Administration blamed the Supreme Court for issuing a timely decision upholding state environmental law. Similarly the Administration blames the Legislature for failing to provide appropriations needed to operate a reliable labor law enforcement program.

The Record of Retaliation Against Loyal Employees

1. In July 2003 the Director of the Department of Labor, Nelson Befitel, got into what the Lingle Administration admitted was a "physical altercation" with James Decker, then the manager of the administrative and technical support staff that enforces Occupational Safety and Health standards in Hawaii. Decker was made unwelcome at the Department of Labor. Months later, Decker was gone, but Befitel remained. A considerable burden of work shifted to other employees in that group, who are trying to uphold health and safety standards. But for *four years* the Labor Department has not filled the vacancy the Nelson Befitel's confrontation created, and Darwin Ching has not filled that vacancy.
2. Next, Jennifer Shisedo was removed from her position as the administrator for OSHA within the Department of Labor, because she had insisted on enforcement of federal and state health and safety standards against corporations such as Permasteelisa Cladding Technologies or Hawaiian Dredging. She was reassigned to a meaningless position in the Research and Statistics group. The effect on employees was to remove someone who was an authority on enforcement practices; OSHA compliance officers and administrative support people had nowhere to turn with questions about standards and methods, or to report the numerous problems with software and systems. The position was left vacant for more than a year and now is filled only temporarily by a lawyer with no experience in OSHA enforcement.
3. In 2006 Marla Takahama-Stark filed a grievance against the appointment of a grossly unqualified political hack to a "manager" job on the IT staff of the Department of Labor. The Department refuses to appoint an arbitrator to settle the grievance and has made clear to Marla Takahama-Stark that she never will be promoted.
4. In March 2007 The Honolulu Advertiser ran a story, well-known within the Department, that the Department was years behind in safety inspections of the 6,000 elevators in the state. The article quoted, among others, Les Kuratsu, then manager of the elevator inspection staff of the occupational safety and health group. Nelson Befitel isolated Les Kuratsu, refused to consider Mr. Kuratsu's recommendations or opinions, and pushed Les Kuratsu out of the Department. Mr. Kuratsu had told me he intended to remain as an inspection manager for a couple of years, but then Mr. Kuratsu abruptly retired, and he was not given the department's traditional retirement party. By pushing out Mr. Kuratsu, Nelson Befitel was able to reduce that tiny enforcement staff two persons below the headcount authorized by the Administration and the Legislature. I have not seen Darwin Ching do anything to resolve that problem.
5. As I have pointed out numerous instances of the Department of Labor losing data about Hawaii residents and data about companies trying to comply with health and safety statutes, I have been repeatedly punished. The Department uses concocted, invented complaints of "insubordination" and "workplace violence" when a subject-matter expert such as me tells a manager who has lost weeks or months of sensitive data that losing data is unacceptable.

The Failure of Civil Service and Union Protections for Employees

The Department of Labor exploits a failure of the Hawaii Civil Service System and the Hawaii Government Employees Association to protect employees from political acts. The episodes recounted above could not have prevailed if the civil service "meritocracy" actually was in place, or if the Hawaii Government Employees Association vigorously protected its members.

Certain "managers" in the Department of Labor – Bennett Yap most notoriously among them – simultaneously claim to represent the Department, as supervisors, and also to represent the union, as stewards. This hopeless conflict of interest results in careerists such as Mr. Yap siding with the Administration and against other employees and union members who have legitimate concerns about political hacks operating as "IT analysts" and "OSHA compliance staff". The union, well aware of this conflict, has done nothing to resolve it. Mr. Ching has done nothing to resolve it.

There is an acid test for the Hawaii Government Employees Association. Unions are expected to protect not just the legal or civil rights of employees, but to be watchful of the personal safety of workers. When the Department of Labor took 20 weeks to produce a citation against a firm that negligently allowed James Montayre Jr. to fall 500 feet to his death, leaving a widow and three fatherless sons – you didn't hear a peep from the Hawaii Government Employees Association about the Department of Labor being outrageously lax in enforcing workplace safety.

An analog of the union is the Department of Human Resources Development, which is supposed to enforce civil service rules. That department has allowed the Department of Labor to hire a succession of political hacks who have failed to effectively support the enforcement and regulatory mission of the Department of Labor. Additionally, the Department of Human Resources Development actually helps the managers of the Department of Labor to evade and avoid requirements of your contract with the union and your civil service rules. It counsels Nelson Befitel and Darwin Ching about how to skip steps in the progressive discipline process that is required by the union contract and by sundry rules, so those managers can rapidly escalate trivial disagreements with employees into purportedly grave offenses.

Among the Department of Human Resources Development, the Hawaii Government Employees Association, and the Department of Labor, Nelson Befitel and Darwin Ching have been able to indefinitely defer valid grievances about political hacks operating as managers, and have refused and failed to follow a process that requires unresolved grievances to go to arbitration.

An employee caught in this matrix has no options. It may not be possible to sue the Department of Labor if remedies were not exhausted at a lower level or in other forums; and the other players – the union, the Department of Labor, DHRD – operate to deny those remedies to employees. The irony of this situation is that it is a Department of Labor, traditionally the protector of employees in Hawaii, that functions in an authoritarian style against its own employees, that is intolerant of dissent, that invents "misconduct" complaints and then denies methods to resolve them.

Poor Decisions About Systems, Deployments, and Vendors

There are numerous problems with the IT staff, a bloated group of 15 persons supporting only about 500 employees in the Department of Labor. It is a staff that is unable to manage video services, unable to deploy wireless systems, unable to produce documentation about systems, unable to manage telephones, and unable to get training or educational material onto the department network.

The IT staff in the Department of Labor does nothing but support a data network, and in that, it is comically inept.

The IT staff regularly loses data sets, allows workstations and computer servers to abruptly fail, watches as e-mail service regularly drops, and stands by helplessly as even segments of its network shut down. Nelson Befitel permitted system and network services to the health and safety enforcement groups to become so degraded that a compliance officer can spend an entire day just trying to complete one reporting form, making successive efforts to type data into fields in a record of a database on a workstation, and then watching the data vaporize. Darwin Ching has not moved briskly to audit the IT staff or even to learn the numerous stories about lost data. About half the IT staff are amateurs, unqualified to work elsewhere and incapable of supporting systems and networks.

Bizarre Practices in the Business Office

The problems in the IT staff are reflected in the Business Office that is supposed to be managing the IT staff. I submitted a purchase requisition about eight months ago to replace a computer server that hangs every week because of a memory leak, and that is so old that I had to scavenge parts from another machine to keep the server up. First the requisition was denied by a secretary in the Director's office; then it was lost (or misplaced); then it reappeared, but was not sent to the vendor. About eight months after it was written, we have no idea what happened to the requisition, and the server continues to hang each week, wasting many hours of time for employees trying to enter data. I submitted another purchase requisition months ago for a disk drive that failed in a computer server for OSHA. First it was returned, supposedly because the paperwork was not right (the managers had a protracted discussion of that), then it was resubmitted, and since it has – disappeared. The affected computer server continues to run in degraded mode, absent one disk drive (analogous to you missing a leg!), and it is certain to fail soon.

The Business Office is run by an elderly man who thinks it is appropriate to deploy Windows98 workstations in an accounting office. Visit the office, and you will see piles and piles of paper, and piles and piles of "recycled" computer cabinets, keyboards, and monitors.

The Business Office regularly denies requests by Department of Labor employees for training, saying that you – this committee, the Senate, the Legislature – refuse to appropriate money to keep employee skills current.

The Business Office will not develop a budget for IT services, in order that it can make decisions about

requests on an ad-hoc basis, with more attention paid to politics than to system needs.

Amateur Deployment Decisions

Under Nelson Befitel, and continuing under Darwin Ching, the Department of Labor and its IT staff made two deployment decisions that continue to have a disastrous effect on the department's work product.

The Hostile Worker Registration Software

Last year, with much fanfare, the department announced that it had a new registration program that the recently unemployed and other workers could use to make their skills known to potential employers. The department decided to make use of the worker registration program mandatory, without doing the human-interface testing that is mandatory for software programs deployed to large audiences.

There are three fatal flaws in the software. One is a requirement that a user navigate 17 screens of questions. People such as the recently unemployed are in an elevated emotional state, and can be self-conscious when first making an unemployment claim in a government office. They are in no emotional condition to navigate 17 computer screens in order to register for work. The requirement that this most needy class of citizens – so many of them without any computer skills! – complete without a single fault 17 screens of a computer program was rather heartless.

The second fatal flaw is that the software developer screwed up the interface. The software runs under an internet "browser" such as Internet Explorer. A browser has its own navigation controls. Typically, when we in IT are going to use a browser as a "host", we disable the browser controls. The software in the Workforce Development Department has its own set of navigation controls *within* the browser of the worker registration program. You can guess what happens next – a visitor to the office, tired or confused after entering 16 screens of information, and realizing an error was made on screen 15, uses a mouse to press the Back button of the browser. In this case, the Back button of the browser, rather than the Back button of the software program running within the browser, *destroys all data that had been entered by the user*. Let me say this again: The recently unemployed are required to use software with 17 screens and two sets of navigation controls, and one of those sets of navigation controls erases all data entered by the user. The user is not told what happened – the user only discovers that Screen 1, or the initial screen, now is empty of data, and all subsequent screens are empty.

So many times have applicants for unemployment insurance thrown up their hands at this wonderful new system that staff in the Workforce Development Department regularly must go to workstations and guide users step-by-step. While the system now seems to "work" with unemployment at 2%, the system is quite likely to fail as unemployment rises. As we say in IT, the software doesn't "scale". Employees in both the Unemployment Insurance and Workforce Development staffs have had to process additional paperwork in order to keep insurance claims flowing. The workstations in the Workforce Development office at the Department of Labor are so old that the latency they impose on the network causes the software to time-out between the computer server and the customer

workstations, again requiring the applicant to restart the software, and lose all data.

One who recently tried to use the software is Anne Stevens, a former member of the House and now a member of the Kaka`ako Neighborhood Board. Anne Stevens has an undergraduate degree, and training in business management in a graduate program at Harvard University. She is quite computer literate. She said it took her four hours to use the worker registration program, because data was lost, and to discuss various issues with the Department of Labor staff.

But the story gets worse, and this is the third fatal flaw of the new worker registration software: Women who had registered for work, as required by the Department of Labor in order to receive unemployment insurance benefits, found they were being called *at home* by potential employers who somehow got their personal data from the Department of Labor. The women had not applied for work with the employers and did not seek the contacts.

The new worker registration software was deployed because Nelson Befitel got in a spat with the prior software vendor. The prior software vendor, I am assured, could have delivered any of the features of the new software. Nelson Befitel used a couple of million dollars of federal funds to replace one working software program with another program, a much more intrusive and much less friendly program. Some of us on the IT staff at the time regarded the entire effort as a waste of IT time, as a political display rather than a system improvement.

The Ongoing Breakage of Health and Safety Workstations

The Department of Labor and the IT staff made a second amateur and disastrous deployment decision that has cost hundreds of thousands of dollars in personnel time and has greatly diminished the productivity of OSHA compliance staff.

OSHA regulations are enforced cooperatively across the states by both state employees and federal employees. So reports of inspections or violations must contain certain values or fields that the various governments consider essential or that are required by regulation – such as a name, an address, a telephone number, a section of the regulation that purportedly was violated, the account of a compliance officer who witnessed the violation, and so forth. Governments can accomplish this goal two ways: Like CalOSHA in California, the state can develop its own software program and transmit interesting data from forms to Washington for processing into the federal reporting and statistics systems. Or the state can simply adopt the federal software programs for use locally, and make minor reporting adjustments on its end. The State of Hawaii, to avoid software development costs (that actually are trivial) adopted the federal software programs. That decision has caused endless frustration and delay in workplace health and safety enforcement in Hawaii.

The state got a gift or grant of workstations from the federal government, allowing the state to do a “workstation refresh” about three years ago across the health and safety staffs. The IT staff at the Department of Labor did not stop to think about the implications, and did not test the workstations.

The result was to plant a bug in every workstation and to deploy unworkable software and cheap hardware throughout the health and safety staffs. A contractor for the federal Department of Labor

loaded the workstations with software, but made the mistake of installing two software programs that compete for a database within the workstation, each overwriting the records of the other. The result is that, inevitably, every workstation develops a corrupted database and becomes useless for health and safety recordkeeping. Second, the federal government installed security controls that prevent engineers in Hawaii from updating software or doing software maintenance. Then the employees who designed these systems left the federal Department of Labor, and orphaned much of the software they had deployed in Hawaii. In Hawaii, system administrators cannot run disk cleanup programs, so eventually a disk becomes full of cruft, and the workstation crashes. Finally, the hardware deployed, Dell workstations purchased via low bid, is so cheap that power supplies, disk drives, and computer motherboards fail regularly. At any time, about five workstations are broken due to software or hardware problems that were easily avoidable.

What should be troublesome to the committee, and should have bothered the Department of Labor management, is that the IT staff did not do simple tests of common procedures that quickly would have revealed these problems, before the workstations were deployed, and that health and safety staff have been saying for years that the systems are unworkable, but have been ignored. Now the Department is stuck with broken or breaking workstations trying to run a complex stack of software that never has interoperated properly. The Department is in that situation because the IT staff did not say, "Stop!"

There are other severe problems. Compliance officers often cannot login to their workstations because there is excessive delay from computer servers in Washington or Salt Lake City. Compliance officers frequently cannot pick up e-mail from the federal e-mail server. Two OSHA computer servers are 20 years old, so old that parts no longer are available commercially, and must be scavenged from the broken NCR Tower systems across the mainland. Compliance officers often cannot print pictures that are evidence of violations, or cannot print their completed reports.

How the State's Network Was Given to Hawaiian Telcom

When we write purchase requisitions for state government, we are told we must get three competing quotations. In its dealings with Hawaiian Telcom, however, the Department of Labor evades the requirement for competitive quotations and effectively has conveyed its entire network into the control of Hawaiian Telcom.

Only Hawaiian Telcom May Provision New Circuits

When a new workstation is deployed, for example, it requires a connection to the Department of Labor network, which requires a wall plug and a cable. When those are not available, due to growth or to changes in furniture and floor plans, a new circuit must be "pulled" from a "wiring closet" in one of the corners of the building, on each floor. Numerous vendors are available in Hawaii to do that, but more importantly, if such requests are accumulated and put out to competitive bid, a vendor can recommend pulling a trunk of cables, or using a wireless signal, or some combination of that.

The IT staff and the Business Office, however, require that only Hawaiian Telcom can be used. Outfits such as Kaiser Medical Clinics long ago dumped Hawaiian Telcom for new circuits because the performance and monitoring and circuit labeling by Hawaiian Telcom is so poor. The deputy director of the Department of Labor, however, is a former Hawaiian Telcom employee, and her husband, I read in a recent disclosure statement, currently is a Hawaiian Telcom employee. As Hawaiian Telcom technicians arrived to pull cables, I have questioned them, and I learned that only Hawaiian Telcom has building plans and knowledge of overhead conduits necessary to efficiently pull new circuits. Consequently the Department of Labor has not been able to migrate to wireless service, which costs about 20% of the price of a wired connection, and has not been able to diversify vendors for circuit maintenance.

Only Hawaiian Telcom May Provision New Network Gear

Similarly, I learned that Hawaiian Telcom has a monopoly on providing the state Department of Labor with network gear such as Cisco data switches. As a former engineer at Cisco Systems, I can tell you that other vendors make network routers and switches that are cheaper, faster, and easier to use than Cisco Systems. When you enter the Department of Labor computer room, however, you see network gear provided only by Hawaiian Telcom (Hawaiian Telcom also is the monopoly provider of the phone system).

An example of this abusive practice is a firewall that needlessly was purchased about two years ago. The Unemployment Insurance group wanted some data protection, just for its group, that easily can be provided simply by entering some commands in network routers and switches. High school students are taught these commands when they enroll, for example, in Cisco Academy.

But the Department of Labor, a hole burning in its financial pocket because it could get a grant from the federal government, was determined to buy a new toy. A check of the purchasing paperwork for the firewall will show that the standard IT "requirements analysis" was not written, which would have quickly revealed the purchase to be unnecessary. A check of the purchasing paperwork also will show that the purchase of the very expensive firewall was steered to Hawaiian Telcom by a political hack on the IT staff whose degree is in – social work! Competitive vendors were not considered or were not given a reasonable opportunity to tell their story, and technical gobbledygook was used to make the choice of Hawaiian Telcom and Cisco hardware seem required.

As the firewall was installed and has been maintained, Hawaiian Telcom has been able to generate substantial billings against the state. The firewall had the effect of dividing the Department of Labor's network against itself, using the absurd argument that an internal firewall is a necessary security device. So now standard network services (including backups and disaster recovery methods) cannot be run across the department's network.

Only Hawaiian Telcom May Be Used to Manage Network Devices

Employees on the huge IT staff want to retain control of network devices such as routers and switches,

but don't actually know how to operate them. As is so often the case in the Department of Labor, the department then issues a "support contract" to have a third party, a vendor, do the actual work. Two of us in the Department of Labor have substantial experience operating network gear, but we are not allowed to do the work, so the support contract with Hawaiian Telcom can be maintained. Hawaiian Telcom has such a stranglehold on the Department of Labor network that a program or service running in one department cannot run in another department unless Hawaiian Telcom approves of the change and implements it.

The combination of control of data circuits, provisioning of network gear, and operating of network devices through multiple no-bid contracts with Hawaiian Telecom has surrendered control of the Department of Labor network to a commercial concern.

Losing Sensitive Data about Employees, Citizens and Corporations, But Not Really Caring

So many system failures occur in the Department of Labor that employees no longer expect the network or the computers to be reliable.

E-mail service, which is Lotus Notes, failed 19 times in the last year. Sometimes e-mail (and its meeting scheduling software) was unavailable for days. The Department of Labor has the most expensive and the least reliable e-mail system in the State of Hawaii.

The IT staff shrugs when computer servers collapse and sensitive data is lost. After they had received numerous warnings, the IT staff discovered that its own computer server catastrophically failed, a few months ago, and they told Department of Labor managers that none of the data could be recovered. This included systems documentation and personnel information about employees, such as personal leave records. In 21 years in the software and network business, I have never heard of an IT staff that lost its own server and also lost all the data. The IT staff said it could not back up the data on the server, but that is only because they don't understand how to do "cross-platform backups", from one department to another department that may have a working server and a tape drive -- and anyway the unnecessary firewall that divides the department's network blocks transmission of backup data between departments.

All online transaction records for the Boiler & Elevator inspection staff for the last half of 2006 were lost. The IT staff left the backup chore to the inspectors, and the inspectors didn't care to run a backup. When I told department managers, "We don't have any data for the last six months," there was no response. I believe online records in the department are current now, but the point is that data volunteered by companies who trusted state enforcement officers was lost, and no longer is there an online audit trail for some permits issued to operate elevators and boilers in the state.

All transaction records for one month in the Wage Standards Division were lost. The IT staff left the backup chore to elderly managers, who did not bother to check whether backup jobs that had been started actually were collecting data. When, last Spring, we went to the backup tapes in order to restore

a file, there was no data on tape. Again, I believe online records in the department are current now, but there is no way to look into some past online records to determine how the department was handling requests for child labor permits, or concerns about minimum wage enforcement. The data lost included the names and addresses of minor children, social security numbers, and the like.

An example of how inattentive is the IT staff occurred last month. In the computer room, a household fan was being used to cool network gear and computer servers, because the Business Office will not release sufficient funds to cool the computer room. The fan actually melted in place. No alarm has been configured to tell the IT staff overnight that there is unusual heat and smoke in the computer room. One IT staffer arrived in the morning, and opening the door to the computer room, watched smoke roll out.

No Data Backup, No Disaster Recovery Plan – No Problem!

Because the IT staff cannot backup data in the Department of Labor across various floors and offices and branches, there is no reliable way to restore files that are lost. Even files that are backed up often cannot be restored for various technical reasons, as veteran IT people will tell you. When backups are spotty or missing, the likelihood of recovering online files is remote.

At the Department of Labor, no data is safe.

Told in writing two years ago by an auditor to develop a disaster recovery plan, the Department of Labor managers persistently have refused to do that. They will not permit discussion by the entire IT staff of disaster recovery methods. If an earthquake or a tsunami or a fire strikes the Department of Labor building, it is likely the department will be simply out of business for some time.

The Adamant Refusal to Follow IT Best Practices

The story of management and IT staff at the Department of Labor is a persistent refusal to follow IT **best practices**. We were told a year ago that a network monitoring program would be put in place (these are cheap, or free, and are bundled with network hardware), but that hasn't happened. Without network monitoring, the IT staff is regularly "surprised" by failures, and unable to anticipate events.

The IT staff avoids **reporting system failures or "uptime"** to higher managers in the State of Hawaii, so there is no way to quantify how often, or how unnecessarily, systems or services are broken.

The IT staff is prohibited from meeting to discuss the manifold problems in the Department of Labor. The IT staff manager is a retired Army sergeant who is fearful of losing control if there is a free-wheeling discussion of problems or solutions.

The IT staff is **not allowed to discuss the repeated failures of the e-mail system**. I have 15 years of

experience in e-mail support, and I was specifically prohibited by the IT staff manager from ever discussing the unreliable e-mail system. I am threatened with a charge of "insubordination" if I mention the frequent e-mail failures.

The IT staff cannot produce **documentation** of how systems and its network operate. There is no manual of standard practices, such as how to configure a computer server, what hardware is desired, how a network address should be obtained, or how printing may be configured.

The IT staff has no concept of **configuration management**. It does not create and monitor logs of system behavior and changes. There is no central repository to note, for peers, changes that were made to systems. Recently, for example, some IT staff issued inept commands to the internal firewall that choked off all outbound data traffic from the Unemployment Insurance office. A week later, after the mystery was resolved by restoring one simple setting, there was no log of who made the fatal change, and the IT staff denied any responsibility.

Respectfully submitted,

Eddy Conway

THE LAW OFFICES OF DOUGLAS THOMAS MOORE

**Office Address:
Century Square
1188 Bishop Street, Suite 1009
Honolulu, Hawai'i 96813**

**Telephone: (808) 526-0056
Fax: (808) 526-0057
Email: Moore4640@
hawaiiantel.net**

October 26, 2007

TO: Senate Judiciary & Labor Committee
Via Hand Delivery

Re: SUPPORT FOR DARWIN CHING FOR
DIRECTOR DLIR

Dear Chair Sen. Tanaguchi, Vice-Chair Sen. Hee, and Committee Members:

I am a workers' compensation claimants' attorney. I am the immediate past-President of The Consumer Lawyers of Hawai'i, and the former Chair of the HSBA Labor & Employment Law section. For myself, I support the nomination and request the confirmation of Darwin Ching for Director of the Department of Labor and Industrial Relations.

I had never met Mr. Ching, spoken with him, or even knew much of anything about him until recently. Mr. Ching was kind enough to recently meet with a group of us consumer lawyer work comp claimant's attorneys to discuss our concerns and issues. Mr. Ching was open-minded, cooperative, and interested in our concerns and issues. We agreed to keep this ongoing dialogue open and to continue to meet and solve/resolve our issues and concerns.

Based on his willingness to listen and interest in working with us, I support his nomination and confirmation for Director.

Mahalo and aloha.



Douglas Thomas Moore

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Nakamura

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

October 26, 2007

Senator Brian Taniguchi, Chair
Committee on Judiciary and Labor
Conference Room 229, State Capitol
Honolulu, Hawaii 96813

RE: **Confirmation of Darwin Ching as Director of the Department of Labor
and Industrial Relations for the term to expire 12-31-2010**

Chair Taniguchi, Vice Chair Hee, and Members of the Committee on Judiciary and Labor:

I am Roy Ogawa, Chair of the Building Industry Association of Hawaii's (BIA-Hawaii) Government Relations Committee. BIA-Hawaii strongly supports the confirmation of Darwin Ching as the Director of the Department of Labor and Industrial Relations.

Darwin Ching's wide ranges of experiences as an attorney in private practice, as a deputy attorney general, as a deputy prosecuting attorney with the City and County of Honolulu, as a labor arbitrator for the state and as a former teacher give him a unique perspective of the duties of Director of the Department of Labor and Industrial Relations.

In recent months, BIA-Hawaii has seen Mr. Ching's desire to work collaboratively with labor unions, the legislature, businesses and the community put into action. As an example, the mandatory "three strike" penalty provisions of HB853 with respect to prevailing wages in the last session created much discussion among the construction industry contractors, the DLIR, and the labor unions. The BIA and the contractors had informed the legislature that if the Governor's veto of the bill was not overridden, we would work with the unions and the department to resolve our differences and reach a consensus on this issue. The parties have met several times and Mr. Ching's direct involvement, although recent, has proven encouraging. His personal attendance and his willingness to have his deputy and his staff assist indicate a proactive approach to the resolution of this contentious issue. It also indicates an ability to work with the different groups which is essential in this very difficult and demanding position.

BIA-Hawaii strongly supports the confirmation of Mr. Darwin Ching as Director of the Department of Labor and Industrial Relations. Mr. Ching's work in the interim has shown that he should be given the full opportunity to serve in this capacity with the consent of the Senate.

Respectfully submitted,



Roy Ogawa, Chair
Government Relations Committee
BIA-Hawaii

RANDAL I. SHINTANI
ATTORNEY AT LAW
AMERICAN SAVINGS BANK TOWER
1001 BISHOP STREET, SUITE 2380
HONOLULU, HAWAII 96813
TEL: (808) 532-1222
FAX: (808) 532-1229

01 23 2007

October 26, 2007

Senator Brian Taniguchi and
Committee Members
Judiciary & Labor Committee
State Capitol
417 So. Beretania St., Ste. 219
Honolulu, Hawaii 96813

Fax No. (808) 586-6461

*Re: Confirmation of Darwin L. D. Ching as Director
Department of Labor and Industrial Relations
State of Hawaii*

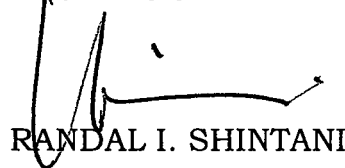
Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L. D. Ching, as Director for the Department of Labor & Industrial Relations.

In my dealings with Mr. Ching as an attorney, I have been impressed with his ability to analyze situations and suggest viable resolutions. He is well-informed and able to work with others in dealing in difficult situations.

I am of the belief that he would serve the people of Hawaii with dignity and respect.

Very truly yours,



RANDAL I. SHINTANI

RIS:dt

xc: Senator Colleen Hanabusa (via fax)
Darwin L.D. Ching (via fax)

Deborah Kim Morikawa
2131 Hunnewell Street
Honolulu, Hawaii 96822

October 26, 2007

The Honorable Brian T. Taniguchi, Chair
and Members of the Judiciary & Labor Committee
State Senate
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Confirmation of Darwin L. D. Ching as Director of the Department of
Labor and Industrial Relations

Thank you for the opportunity to provide this testimony in support of the confirmation of Darwin L. D. Ching as Director of the State Department of Labor and Industrial Relations (DLIR). For clarification, I am writing this as a private citizen who has worked with Mr. Ching in his capacity as the Acting Director of DLIR.

Mr. Ching has proven to be highly professional and very responsive to concerns that are brought to his attention. His willingness to get personally involved and to follow-up on issues presented to him is greatly appreciated.

Furthermore, his down to earth approach and willingness to listen to all sides is very refreshing and I firmly believe that Mr. Ching deserves to be confirmed as DLIR's Director.

Sincerely,


Deborah Kim Morikawa

Testimony Presented Before the
Senate Committee on Judiciary and Labor

October 26, 2007

by

Paul H. Toyozaki, Esq.
Attorney at Law
1088 Bishop Street, Suite 3710
Honolulu, Hawai'i 96813

CONSIDERATION AND CONFIRMATION OF DARWIN CHING AS DIRECTOR OF THE DEPARTMENT
OF LABOR AND INDUSTRIAL RELATIONS

Chair Brian T. Taniguchi, Vice Chair Clayton Hee and members of the committee:

My name is Paul Toyozaki. I wish to express my wholehearted support for the consideration and confirmation of Mr. Darwin Ching as the Director of the Department of Labor and Industrial Relations.

I have known Mr. Ching since the late 1970's when we both worked at the State Attorney General's Office. Later, we both worked at the Honolulu Prosecutor's Office in the 1980's. Since then we have been in private practice in separate law firms.

Mr. Ching is an outstanding nominee for the job he seeks. He has always been enthusiastic about his work. On any task given to him, he has always been on a fast learning curve. He worked long hours, whether he was at the Attorney General's Office, the Prosecutor's Office or at his law firm. His attention to detail, along with his dedication to resolve matters/issues in a fair and expeditious manner, has produced excellent results throughout the years.

At the Honolulu Prosecutor's Office, where I served as the First Deputy Prosecutor, Mr. Ching demonstrated his extraordinary talents and abilities as our Director of the District and Family Courts Division, and later as the Director of our White-Collar Crime Unit. While there, Mr. Ching established and nurtured our training programs for trial prosecutors, not only for Honolulu but also for the Neighbor Islands. Mr. Ching wrote many of our training and trial manuals. He brought expert professional trainers and teachers, along with local talent, from all over the United States to teach at his training seminars. Arguably, the training he provided for all of the prosecutors in the State, may have been the best in the country. His research and writing was outstanding.

Mr. Ching is a very loyal friend and person. He has no hidden agendas. What you see is what you get. Someone you can trust. He is independent-minded yet fair. These qualities made him an outstanding leader and supervisor, as well as excellent trial attorney while at the Honolulu Prosecutor's Office.

Mr. Ching is an extraordinary person. It would be difficult to find others who work as hard and as long as he does. He is honest, trustworthy, dedicated and reliable. He is generous, willing to share his time to help others.

Mr. Ching's commitment and dedication to government service has already been demonstrated. His abilities and skills to supervise and lead has already been demonstrated. His character for truth and veracity has already been demonstrated. Should you decide to confirm Mr. Ching as Director of the Department of Labor and Industrial Relations, you can be sure that he will make Hawaii proud.

Thank you and mahalo for the opportunity to testify at Darwin Ching's confirmation hearing.

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller
Barbara Annis
Deputy Comptroller

**STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES**

P.O. BOX 119
HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR
ON
October 26, 2007

RELATING TO GUBERNATORIAL NOMINEE DARWIN CHING

Chair Taniguchi and members of the Committee, thank you for the opportunity to testify on the confirmation of Darwin Ching as Director of the Department of Labor and Industrial Relations.

I strongly support the nomination of Darwin Ching as Director of the Department of Labor and Industrial Relations. As a former deputy attorney general, supervising attorney, deputy prosecuting attorney and currently private practice attorney, Darwin Ching has the necessary background to become an effective leader in charge of this key department that affects the state's workforce and workplace. Mr. Ching is not just a competent lawyer, he has drive, initiative, and the willingness and ability to work with people to ensure that the state's workforce is safe and treated fairly. He is not afraid to roll up his sleeves and work with people to address issues of mutual concern. He asks the necessary questions and strives to achieve an understanding among people involved relative to roles, responsibilities, and expectations.

Darwin Ching is a professional and an effective leader. I urge you to confirm his appointment.

Thank you for the opportunity to testify on this matter.

The Twenty Fourth Legislature
The Senate
Committee on Judiciary and Labor
October 26, 2007

Testimony by the
Hawaii Fire Fighters Association

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. HFFA supports the nomination of Darwin L.D. Ching to be the Director of the State of Hawaii Department of Labor and Industrial Relations.

Mr. Ching has extensive legal experience in both the private and public sector workforce. He has represented public employees and employers in arbitrations and negotiations and we are certain that those experiences will help him as Director.

Mr. Ching has expressed his commitment to foster collaborative working relationships with labor unions and employers. We are confident that he will keep the lines of communication open and support his appointment as the Director of the Department of Labor and Industrial Relations.

CHUNMAY CHANG
ATTORNEY AT LAW

737 BISHOP STREET, SUITE 2100
HONOLULU, HAWAII 96813

TELEPHONE: (808) 536-2288
FACSIMILE: (808) 536-8807

October 24, 2007

Senator Brian T. Taniguchi and Committee Members
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: Confirmation of Darwin L.D. Ching as Director
Department of Labor and Industrial Relations, State of Hawaii

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Darwin L. D. Ching, as Director for the Department of Labor and Industrial Relations for the following reasons:

I have known Mr. Ching for a number of years as a fellow attorney who practices in the family court. I find that he is a hard worker and a person of integrity. I believe he will do well as the director for the department of labor and respectfully ask that you confirm him for said office.

Thank you for your time and consideration.

Very truly yours,


Chunmay Chang

CMC/fp

cc: Senator Colleen Hanabusa
Darwin L. D. Ching, Interim Director