HB 1787

RELATING TO COLLECTIVE BARGAINING
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that each county council has a duty to appropriate funds for the salaries and benefits of county employees. Knowledge of bargaining unit negotiations and associated costs by county council members is essential for effective county financial planning.

The purpose of this Act is to allow a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit.

SECTION 2. Section 89-6, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) For the purpose of negotiating a collective bargaining agreement, the public employer of an appropriate bargaining unit shall mean the governor together with the following employers:

(1) For bargaining units (1), (2), (3), (4), (9), (10), (13), and (14), the governor shall have six votes and..."
the mayors, the chief justice, and the Hawaii health 
systems corporation board shall each have one vote if 
they have employees in the particular bargaining unit; 
provided that one representative from each county 
council shall be allowed to attend negotiations as a 
nonvoting participant if that county has employees in 
the particular bargaining unit;

(2) For bargaining units (11) and (12), the governor shall 
have four votes and the mayors shall each have one 
vote; provided that one representative from each 
county council shall be allowed to attend negotiations 
as a nonvoting participant if that county has 
employees in the particular bargaining unit;

(3) For bargaining units (5) and (6), the governor shall 
have three votes, the board of education shall have 
two votes, and the superintendent of education shall 
have one vote; and

(4) For bargaining units (7) and (8), the governor shall 
have three votes, the board of regents of the 
University of Hawaii shall have two votes, and the
president of the University of Hawaii shall have one vote.

Any decision to be reached by the applicable employer group shall be on the basis of simple majority, except when a bargaining unit includes county employees from more than one county. In that case, the simple majority shall include at least one county.

In executive meetings, the mayor or the mayor's representative shall provide timely updates to their respective county councils relating to bargaining unit negotiations."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: 

By Request 

JAN 1 6 2018
Report Title:
Hawaii State Association of Counties Package; Collective
Bargaining; County Council Representation

Description:
Allows a representative of each county council to be present as
a nonvoting participant in negotiations with bargaining units if
the relevant county has employees in the particular bargaining
unit. Requires mayors to report collective bargaining unit
negotiations to their respective county councils.

The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.
HB 1787

TESTIMONY
February 6, 2018

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
For Hearing on Thursday, February 8, 2018
10:30 a.m., Conference Room 309

By

RYKER WADA
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

House Bill No. 1787
Relating to Collective Bargaining

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT:

H.B. No. 1787 allows a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit. It also requires mayors to report collective bargaining unit negotiations to their respective county councils.

The Office of Collective Bargaining (OCB) has the following comments. The bill proposes to allow the county councils to attend negotiations which could confuse the traditional definition of separation of powers, whereby responsibilities are divided among the legislative and executive branches. Each county council has the final authority for negotiations based on the county council’s authority to either appropriate or not appropriate funding to support the negotiated agreement.

Thank you for this opportunity to testify on this measure.
February 5, 2018

TESTIMONY OF DEREK S.K. KAWAKAMI
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON
HB 1787, RELATING TO COLLECTIVE BARGAINING
House Committee on Labor & Public Employment
Thursday, February 8, 2018
10:30 a.m.
Conference Room 309

Dear Chair Johanson and Members of the Committee:

Thank you for this opportunity to provide testimony in strong support of HB 1787, Relating to Collective Bargaining. My testimony is submitted as Vice President of the Hawai‘i State Association of Counties, and in my individual capacity as a member of the Kaua‘i County Council and Chair of the Council’s Economic Development & Intergovernmental Relations Committee.

HB 1787, Relating to Collective Bargaining, is included in the 2018 Hawai‘i State Association of Counties Legislative Package. This measure will allow a representative of each county council to be present as a nonvoting participant during negotiations with bargaining units. The County Councils are responsible for establishing and adopting each fiscal year’s budget for their respective counties, and having a representative present during negotiations enables both sides of the negotiating table to gain insight and knowledge affecting the requests being made.

For the reasons stated above, I urge the House Committee on Labor & Public Employment to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

DEREK S.K. KAWAKAMI
Councilmember, Kaua‘i County Council

AMK:aa
Representative Aaron Ling Johanson  
Chair, House Committee on Labor and Public Employment  
Hawai‘i State House of Representatives  

February 6, 2018  

Re: In Support of House Bill 1787, from Hawai‘i County Council District 4  
To be heard by LAB on 02-08-18 10:30AM in House conference room 309  

Aloha Chair Johanson and Committee Members:  

I’m writing to express my support for House Bill 1787, which allows a representative of each County Council to be present as a nonvoting participant in negotiations with bargaining units if the relevant County has employees in the particular bargaining unit.  

I support allowing a representative from the County Council to participate in important union negotiations. I also support requiring the Mayor or their representative reporting back to their respective Councils, as they are already active participants, have a working understanding of the process, and advocate on behalf of the interests of the same constituents. Please contact me if you have any questions about my support.  

Sincerely,  

Eileen O’Hara  
Council Member  
Council District 4  

Hawai‘i County is an Equal Opportunity Provider and Employer.
TO: The Honorable Aaron Ling Johanson, Chair  
House Committee Labor & Public Employment

FROM: Mike White  
Council Chair

SUBJECT: HEARING OF FEBRUARY 8, 2018; TESTIMONY IN SUPPORT OF HB 1787, RELATING TO COLLECTIVE BARGAINING

Thank you for the opportunity to testify in support of this important measure. The purpose of this bill is to allow a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit and requires mayors to report collective bargaining unit negotiations to their respective county councils.

This measure is included in the Hawaii State Association of Counties’ Legislative Package. Therefore, I offer this testimony on behalf of the Maui County Council.

I support this measure for the following reasons:

1. The current collective bargaining process does not allow participation by county council representatives, despite being the appropriating body for cost items. Collective bargaining agreements arrive as a “done deal” before details and cost implications are shared with councils, leaving no ability to assess an agreement’s impact on the counties’ tax base and overall operations.

2. This measure would greatly improve the flow of collective bargaining information by allowing a county council representative to attend as a nonvoting participant if the respective county has employees in the particular bargaining unit and requires mayors to report the status of negotiations to the county councils. Like other pending sensitive matters, the information would be held in confidence and only shared in executive session, pursuant to HRS.

3. When costs impact the counties more than the State in negotiations, such as the case for police officers and firefighters, the counties should have equal or more votes in negotiations. This bill however, is a first step in greater levels of communication.

Mahalo for your consideration. For the foregoing reasons, I support this measure.
THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
The Honorable Aaron Ling Johansen, Chair
The Honorable Daniel Holt, Vice Chair

DATE OF HEARING: Thursday, February 8, 2018
TIME OF HEARING: 10:30 a.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 309

TESTIMONY ON HOUSE BILL 1787

By DAYTON M. NAKANELUA,
State Director of the United Public Workers (UPW),
AFSCME Local 646, AFL-CIO

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

HB1787 allows a representative of each county council to be present as a non-voting participant in negotiations with bargaining units if the relevant county has employees in the bargaining unit. The UPW strongly opposes this measure. This would contravene the spirit and intent of the separation of powers concept of our Democracy. It would also put a chill into the negotiations proceedings.

Thank you for the opportunity to submit this testimony.
<table>
<thead>
<tr>
<th>Submitted By</th>
<th>Organization</th>
<th>Testifier Position</th>
<th>Present at Hearing</th>
</tr>
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<tbody>
<tr>
<td>Javier Mendez-Alvarez</td>
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<td>Support</td>
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Comments:
HB 1787

LATE

TESTIMONY
February 7, 2018

TESTIMONY OF DRU KANUHA
HSAC PRESIDENT
ON HB 1787, RELATING TO COLLECTIVE BARGAINING
Committee on Labor & Public Employment
Thursday, February 8, 2018
10:30 a.m.
Conference Room 309

Aloha Chair Johanson and Members of the Committee:

I thank you for the opportunity to testify on behalf of the Hawai‘i State Association of Counties in support of House Bill 1787, relating to collective bargaining, which is included in the 2018 HSAC Legislative Package.

The purpose of this measure allows a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units if the relevant county has employees in the particular bargaining unit, and requires mayors to report collective bargaining unit negotiations to their respective county councils.

County Councils have expressed frustration with the current process of approving collective bargaining agreements and related cost items because the councils have no part in negotiating and determining whether they are sustainable for the counties’ taxpayer base. This measure would allow a county council representative to attend as a nonvoting participant if the respective county has employees in that particular bargaining unit. In addition, state government should have equal votes as the county mayors for negotiations involving police officers and firefighters, which are funded and operated under the jurisdiction of the counties.

HSAC supports this measure for the reasons stated above, and we urge the Committee on Labor and Public Employment to support this measure as well. Should you have any questions, please feel free to contact me at (808) 323-4267.

Mahalo for your consideration.

[Signature]

DRU KANUHA
HSAC PRESIDENT
TO: Honorable Aaron Ling Johanson, Chair  
House Committee on Labor & Public Employment  

FROM: Stacy Crivello, Secretary  
Hawaii State Association of Counties

SUBJECT: HEARING OF FEBRUARY 8, 2018; TESTIMONY IN SUPPORT OF HB 1787, RELATING TO COLLECTIVE BARGAINING

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to allow a representative of each county council to be present as a nonvoting participant in negotiations with bargaining units, if the relevant county has employees in the particular bargaining unit, and to require mayors to report collective bargaining unit negotiations to their respective county councils.

This measure is included in the Hawaii State Association of Counties’ (“HSAC”) Legislative Package; therefore, I offer this testimony as HSAC’s Secretary.

I am aware that the President of HSAC has submitted testimony, on behalf of HSAC, in support of this measure. As Secretary, I concur with the testimony submitted by the President, and urge you to support this measure.

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