

LINDA LINGLE
GOVERNOR



MARIE C. LADERTA
CHIEF NEGOTIATOR

HAROLD R. DeCOSTA
DEPUTY CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813

February 8, 2008

TESTIMONY to be PRESENTED to the
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
For Hearing on Tuesday, February 12, 2008
8:50 A.M., Conference Room 309

By

MARIE C. LADERTA
CHIEF NEGOTIATOR

on

House Bill No. 2974
Relating to Labor

CHAIR SONSON AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR & PUBLIC
EMPLOYMENT:

With regard to collective bargaining in public employment, H.B. No. 2974 would add a new section to Chapter 89, Hawaii Revised Statutes (HRS), to provide specifically for:

- Any "employee or group of employees" to petition the Hawaii Labor Relations Board to certify—without an election—an entity to serve as an exclusive representative of a "unit appropriate for bargaining" if: (1) the unit has no representative; and (2) a majority of that unit have signed authorizations designating the entity to serve as their representative; and
- A mechanism by which a newly selected representative could require the employer to begin new collective bargaining within 10 days of the receipt of a request for new collective bargaining.

The Office of Collective Bargaining **respectfully opposes** the proposed additions to Chapter 89, HRS, because: (1) this new, alternative certification method is unnecessary; and (2) Section 2 of this bill may be interpreted as providing a new statutory mechanism to vitiate a current and binding 2-year contract solely if a bargaining unit selects a new representative.

Through this bill, the Legislature is attempting to fix something that is not broken. HRS § 89-6 defines "Appropriate bargaining units" and sets forth Bargaining Units 1-13. HRS § 89-7 provides for the election of representation for these units. Pursuant to HRS § 89-5(i)(2), the Hawaii Labor Relations Board shall establish the procedures for the election of employee representation and shall investigate and resolve any disputes. As is evident from the Annual Report of the Board for 2006-2007, all 13 Bargaining Units have had the same, exclusive representation since the early 1970s. *Hawaii Labor Relations Board Annual Report 2006-2007* at page 6.

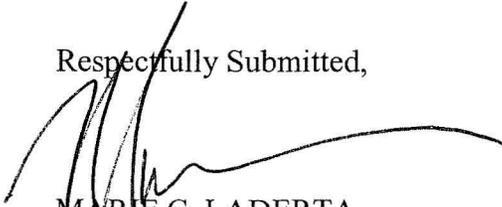
The bill appears to be intended to circumvent HRS § 89-5 (Hawaii Labor Relations Board), HRS § 89-7 (Elections), and HRS § 89-8(a) (Recognition and representation; employee participation) all of which provide for recognition and selection of representation. The current statutory provisions appear sufficient to provide for an appropriate bargaining unit's selection of representation. There appears no reason to change the current statutory structure.

For these reasons, we respectfully urge that Sections 1 and 2 of this bill be deleted if this bill is passed out by the Committee.

The Office of Collective Bargaining takes no position regarding the proposed revisions to Chapter 377, HRS.

Thank you for the opportunity to testify on this measure.

Respectfully Submitted,



MARIE C. LADERTA,
Chief Negotiator

Testimony of Karl F. Borgstrom, Associated Builders & Contractors Hawaii

**Committee on Labor and Public Employment
Tuesday, February 12, 2008, 0850**

Re: Opposition to HB 2974 Relating to Labor

Chairman Sonson, Members of the Committee:

My name is Karl F. Borgstrom, president of the Associated Builders and Contractors of Hawaii, an association of member companies in the construction industry, representing more than 5000 employees in that industry. On behalf of our membership, ABC Hawaii wishes to register its opposition to HB 2974, which seeks to circumvent the time-honored and accepted procedures established under the National Labor Relations Act for determining employee labor affiliation. Just as a similar legislative proposal in the 2007 session used the alleged threat of labor unrest and its disruptive impact on public projects as its rationale, the language of HB 2974 infers an unsubstantiated need to "streamline" union certification by circumventing secret ballot labor elections that assure employees' freedom of choice whether or not to be represented by a union and by whom they will be represented.

The NLRB provides strict and detailed procedures that ensure a fair election, free of fraud and intimidation, where employees may cast their vote confidentially. HB 2974 proposes that a petition containing the signatures of a majority of the employees in a unit appropriate for bargaining be accepted as a valid authorization designating an individual or labor organization as their bargaining representative, and mandates that the board shall not direct an election.

HB 2974 makes no provision for supervision or monitoring of that petitioning process to ascertain whether those signatures were freely given or that they do, in fact, represent the intentions of the employees. It states that the petition is "valid" simply based on its containing a number of signatures constituting a majority of employees in a unit. In its rush to "streamline" the selection of a bargaining agent, this legislature, through HB 2974, would discard the fundamental right of an employee to express their vote for or against that bargaining agent through the time-honored secret ballot process that guarantees the validity of the selection process. The concept of a "secret ballot" is a winning process for all parties and should be retained by the State of Hawaii.

In conclusion, ABC Hawaii stands in opposition to HB 2974 and urges the Committee not to move it forward for consideration.

Thank you.

Karl F. Borgstrom, Ph.D.
President
Associated Builders and Contractors, Hawaii



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME LOCAL 152, AFL-CIO

888 MILILANI STREET, SUITE 601 • HONOLULU, HAWAII 96813-2991



Randy Perreira *Executive Director*
Tel: 808 543-0011 Fax: 808 528-0922

Nora A. Nomura *Deputy Executive Director*
Tel: 808 543-0003 Fax: 808 528-0922

Derek M. Mizuno *Deputy Executive Director*
Tel: 808 543-0055 Fax: 808 523-6879

The Twenty-Fourth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

Testimony by
Hawaii Government Employees Association
February 12, 2008

H.B. 2974 – RELATING TO LABOR

The Hawaii Government Employees Association supports H.B. 2974 with amendment. We strongly support a streamlined process for employees to unionize in the private sector.

However, we do not support an amendment to Chapter 89, HRS, which governs public sector bargaining. Existing law on collective bargaining has worked well for unions and employers in the public sector and should be maintained to preserve current harmony. We respectfully request the removal of the proposed language regarding Chapter 89, HRS, from the bill.

Thank you for the opportunity to support H.B. 2974 with amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nora A. Nomura', written in a cursive style.

Nora A. Nomura
Deputy Executive Director

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO
Gentry Pacific Design Center, Suite 215A
560 N. Nimitz Highway, #50
Honolulu, Hawaii 96817
(808) 524-2249 - FAX (808) 524-6893

February 11, 2008

Honorable Rep. Alex M. Sonson, Chair
Honorable Rep. Bob Nakasone, Vice Chair
Members of the House Committee on Labor & Public Employment
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: IN SUPPORT OF HB2974
RELATING TO LABOR
Hearing: Tuesday, February 12, 2008 @ 8:50 a.m.

Dear Chair Sonson, Vice Chair Nakasone and the House Committee on Labor & Public Employment:

For the Record my name is Buzz Hong the Executive Director for the Hawaii Building & Construction Trades Council, AFL-CIO. Our Council is comprised of 16-construction unions and a membership of 26,000 statewide.

The Council SUPPORTS the passage of HB2974, which certifies entities as exclusive representatives absent an election where no other representatives are certified as the exclusive representatives. Requires immediate collective bargaining between parties once entities are certified as exclusive representatives.

Thank you for the opportunity to submit this testimony in support of HB2974.

Sincerely,

William "Buzz" Hong

WBH/dg



HAWAII HOTEL & LODGING

A S S O C I A T I O N

2270 Kalakaua Ave., Suite 1506
Honolulu, HI 96815
Phone: (808) 923-0407
Fax: (808) 924-3843
E-Mail: hhla@hawaiihotels.org
Website: www.hawaiihotels.org



30th Anniversary
Are You Walking???
May 17, 2008
(Always the 3rd Saturday in May)
www.charitywalkhawaii.org

**TESTIMONY OF MURRAY TOWILL
PRESIDENT
HAWAII HOTEL & LODGING ASSOCIATION**

February 12, 2008

RE: HB 2974 Relating to Labor

Good morning Chairman Sonson and members of the House Committee on Labor & Public Employment. I am Murray Towill, President of the Hawai'i Hotel & Lodging Association.

The Hawai'i Hotel & Lodging Association is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms and individuals. Our membership includes over 170 hotels representing over 47,300 rooms. Our hotel members range from the 2,523 rooms of the Hilton Hawaiian Village to the 4 rooms of the Bougainvillea Bed & Breakfast on the Big Island.

The Hawai'i Hotel & Lodging Association does not support HB 2974 Relating to Labor. This bill would allow for the certification of a labor organization without an election.

We do not believe it is appropriate to remove an employee's right to a secret ballot in determining their representation by a labor organization. Each individual should have the right to choose representation without being subject to pressure from either management or a labor organization.

We urge you to hold this bill. Mahalo again for this opportunity to testify.