



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Judiciary and Labor  
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10:30 a.m.

By  
Dr. Linda K. Johnsrud  
Executive Vice President for Academic Affairs/Provost  
University of Hawai'i

### SB 1248 RELATING TO COLLECTIVE BARGAINING

Chair Hee, Vice Chair Shimabukuro and Members of the Senate Committee on Judiciary and Labor, I am submitting written testimony on behalf of the University of Hawai'i regarding Senate Bill 1248 – Relating to Collective Bargaining which proposes to amend HRS, §89-5, to statutorily provide that any complaint that is not resolved within 30 days by the Hawai'i Labor Relations Board shall be deemed resolved in the favor of the complainant.

The University of Hawai'i **opposes** this proposed legislation.

One of the main purposes for the establishment of the Hawai'i Labor Relations Board is to “ensure that collective bargaining is conducted in accordance with this chapter” that chapter referenced as HRS, Chapter 89, Collective Bargaining in Public Employment. One part of their statutory powers and functions is to “Conduct proceedings on complaints of prohibited practices by employers, employees, and employee organizations and take such actions with respect thereto as it deems necessary and proper.” Placing a caveat that a complaint that is not resolved within 30 would be deemed resolved in the favor of the complainant without having the Board exercise its duty in conducting a proceeding or hearing on the merits of the complaint runs contrary to the Board’s purpose and intent. The Board cannot fulfill its mandate without affording all affected parties an opportunity to respond to the merits of the complaint via a proceeding or hearing. Adopting such legislation would negatively impact the Board’s role in ensuring that collective bargaining is being conducted in accordance with HRS, Chapter 89.

The University also recognizes that the Board’s legal staff was cut by three positions in 1997, which included two staff attorneys and one paralegal, and that the Board’s caseload over the past year has risen from 30 cases to 127 cases. With the reduction of the Board’s legal staff and its backload of cases, it would be highly doubtful that all future complaints filed by the Board will be properly heard and resolved within 30 days. Therefore, all complaints will be resolved in favor of the complainant by default. This is not considered responsible governance.

The University rather supports concepts that will require the Board to issue a decision on a complaint within a reasonable period of time after the complaint has been heard and after all affected parties had an opportunity to respond.

Thank you for the opportunity to testify on this bill.