



HAWAII FIRE FIGHTERS ASSOCIATION
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
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THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013
COMMITTEE ON JUDICIARY AND LABOR

Testimony by

S.B. No. 1374

RELATING TO COLLECTIVE BARGAINING.

My name is Robert H. Lee, President of the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. On behalf of the more than 3,100 members, both active and retired professional fire fighters throughout the State, HFFA strongly opposes S.B. No. 1374, which proposes to allow an employer to remit the amount of an employee's union dues to a personal representative selected by the employee in the event the employee's union decides not to represent the employee's position in a grievance.

As the exclusive representative, HFFA has a legal obligation to represent all its members without discrimination. Part of this responsibility requires HFFA to file grievances on their behalf, which violate our Unit 11 CBA. HFFA's legal duty of fair representation allows us to exercise discretion with complete good faith and honesty, and to avoid arbitrary conduct. Consequently, prior to filing such grievances, HFFA gathers all pertinent information from the member and Employer to enable us to conduct a thorough and detailed review of the factual information along with the relevant provisions of the Unit 11 CBA, past practices, and legal arbitral authority. This grievance review process determines whether a member's complaint is a valid grievance or just a gripe. This proposed bill would undermine this process and our legal duty of fair representation as it would allow our members who disagree with our final decision to move their dues money to a personal representative of their choice.

We strongly request that the committee defer indefinitely S.B. No 1374. Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

LATE TESTIMONY

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The Twenty-Seventh Legislature, State of Hawaii
The Senate
Committee on Judiciary and Labor

Testimony By
HGEA Local 152, AFL-CIO
February 15, 2013

SB-1374 RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the intent and purpose of SB 1374.

This measure would undermine the long-standing relationship between employers and exclusive representatives as set forth in the National Labor Relations Act, Sec. 9 (a). Allowing employees to seek representation from outside parties would further burden public employers, subjecting them to extra-contractual relationships and allowing for third-party interference by parties who had no part in the negotiation of terms of the collective bargaining agreement(s). Further, for employees who feel that their exclusive representative has not acted in their best interest, there is a well-developed history of case law via decisions by the Hawaii Labor Relations Board on duty of fair representation matters, affording aggrieved individuals a means of recourse to pursue their claim. Finally, if enacted, this provision would jeopardize the financial security of the impacted exclusive representative, and as such is tantamount to union busting.

For the aforementioned reasons we respectfully request that this bill be filed.

Respectfully submitted,

Randy Perreira
Executive Director