Testimony Presented Before the
Senate Committee on Judiciary and Labor
Friday, January 31, 2014
10:30 a.m.
By
Dr. John Morton
Vice President for Community Colleges
University of Hawai‘i

SB 3098 – RELATING TO PUBLIC 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 (UH)
regarding Senate Bill 3098 – Relating to Public Collective Bargaining which proposes to: 1)
define a public grievance arbitration as an arbitration under a public collective bargaining
agreement, excluding an arbitration pursuant to section 89-11(e); 2) decrease a public
grievance arbitrator's authority to order additional discovery; 3) prohibit a public grievance
arbitrator from awarding punitive damages, attorneys' fees and costs, or interest on any
monetary award to either party; 4) limit compensation owed to a public grievance arbitrator;
5) except the application of certain sections of Chapter 658A, HRS, to the public grievance
arbitration process; 6) clarify that a court order confirming an arbitration award shall not be
used against either party in a subsequent proceeding relating to any other public grievance
arbitration; and 7) clarify that an order establishing the jurisdiction of a public grievance
arbitrator shall be immediately reviewable by the circuit court de novo.

The UH supports the intent of Senate Bill 3098 and agrees with the Legislature's findings
that labor arbitrations can be made better and more effective only when the process can be
made less formal, less technical, and less adversarial.

We also support the purpose of the bill which is to restore the grievance arbitration process
under a public collective bargaining agreement to a simplified system, not subject to the
Uniform Arbitration Act, that provides for a quick, just and cost-effective resolution to
conflicts between the Employer and the Union. The UH believes that such legislation would
benefit not only the Employer and the Union, but also our employees, since it would resolve
disputes in a timely manner and reduce costs to all parties. The proposed legislation will
provide a rational method for handling disputes leading towards maintaining a favorable
political and social environment in accordance with the statement of findings and policy
embodied within Chapter 89, HRS.

Based on the above, we respectfully request that the proposed legislation be given due
consideration.

Thank you for the opportunity to testify on this bill.