



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Judiciary and Labor
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By
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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.