



The Judiciary, State of Hawai'i

Testimony to the House Committee on Labor & Public Employment

Representative Mark M. Nakashima, Chair

Representative Mark J. Hashem, Vice Chair

Tuesday, January 29, 2013, 9:00 a.m.

State Capitol, Conference Room 209

by

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The Judiciary, State of Hawai'i

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill 495, Relating to State and County Offices; Office Hours; Modification

Purpose: House Bill 495 proposes to modify Hawaii Revised Statutes §78-1.6 to allow state and county employees to request modified office hours and mandates that the chief executive bargain in good faith with the employee's exclusive representative over requests to modify hours of the agency for the transaction of public business; provided that the modified business hours shall consist of nine consecutive hours between the hours of 5:30 a.m. and 8:00 p.m.

Judiciary's Position:

The Judiciary appreciates the intent behind House Bill 495, i.e., traffic gridlock is an undesirable way of life in Hawaii and that flexible work schedules raise productivity and provides employees with greater freedom to organize their working lives to suit personal needs. We believe that these are important issues that all employers need to consider.

Currently, the Judiciary provides its workforce, where operationally feasible, the ability to participate in our established flexible working hours program, alternative work week program, and as with other public employers, generous leave benefits which allow employees to take time off from work to attend to their personal needs.



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While being mindful that we are a government agency who must serve the public, we believe that our employees are provided alternatives that allow them to achieve a work-life balance.

The Judiciary opposes this measure which, as currently written, infringes on the Judiciary's and other public employer's right to manage its operations.

Hawaii Revised Statutes, §89-9(d) states that the employer and exclusive representative shall not agree to any proposal which would interfere with the rights and obligations of a public employer to ... "(7) Determine the methods, means, and personnel by which the employer's operations are to be conducted; and"

Thus, requiring the employers to bargain with exclusive representatives over the modification of the office hours where employers conduct public business, infringes on the employer's ability to determine how to conduct its operations.

For the reasons stated above, and in consideration of the established alternatives that the Judiciary already provides our employees towards achieving a work-life balance, we respectfully request that this measure be held.

Thank you for the opportunity to testify on this measure.