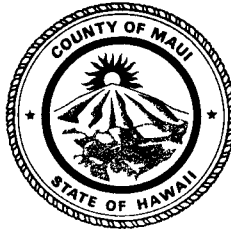


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MEMO TO: Riki Hokama, Chair
Budget and Finance Committee

FROM: Jeffrey Ueoka, Deputy Corporation Counsel *JU*

DATE: April 7, 2016

SUBJECT: **FISCAL YEAR ("FY") 2017 BUDGET** (CC-5) (BF-1)

We are in receipt of your memorandum dated April 2, 2016, and respond as follows:

1. Explain the State law as it applies to the process of union negotiations involving County employees and the County's role in such negotiations. Further, provide your Department's recommendations on changes to the current law, if needed.

Due to time constraints, our response is limited to a broad, general overview in regards to collective bargaining. The collective bargaining process for public employment is set forth in Chapter 89, Hawaii Revised Statutes ("HRS"). For collective bargaining purposes, the "employer", in the case of Maui County, is the Mayor.¹ As the "employer" the Mayor or the Mayor's authorized representative is authorized to participate in collective bargaining negotiations with the appropriate exclusive representative for each bargaining unit. Section 89-6(a), HRS, sets forth the various categories of employees that are placed into the various bargaining units. Section 89-6(d), HRS, establishes the voting structure for decisions with the various bargaining units, which is weighted in favor of the State and provides the governor with multiple votes, the exact number of votes varying, depending on the bargaining unit, and the other "employers" each receiving one vote. The effect of the voting structure has greater effect due to the fact that decisions require a simple majority vote, with

¹ Section 89-2, HRS

the additional requirement that one county be a part of the simple majority when a bargaining unit includes county employees from more than one county. If an agreement can be reached between the employers and the exclusive representative, the parties are required to follow the procedure set forth in Section 89-10, HRS, which includes sending all cost items, as defined in Section 89-2, HRS, to the appropriate legislative bodies for appropriation. In the event that an impasse is reached, the parties will follow the procedures set forth in Section 89-11, HRS, which includes arbitration for certain bargaining units. Like those agreements reached through negotiation, any cost items resulting from arbitrated decisions shall be sent to the appropriate legislative bodies for appropriation. Section 89-12, HRS, sets forth the conditions under which a bargaining unit may strike, it is our understanding of the law that those bargaining units that are required to enter into arbitration are prohibited from striking. Again, this is broad, general overview of the collective bargaining process and we are available for any specific questions or requests for further clarification or explanation.

2. On page 129, Goal 3(2), of the Program Budget, provide the percentage of "civil/administrative litigated actions closed" for FY 2016 to date.

For FY 2016, the year-to-date percentage of civil/administrative litigation actions closed is 30.51 percent.

JTU:lk

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

2014-3082 BF-1 CC-5 2016-04-07 Union Negotiations and Litigated Actions Closed