

PUBLIC HEARING

MAY 29, 2019

A public hearing of the Council of the County of Kaua'i was called to order by Arryl Kaneshiro, Chair, Committee of the Whole, on Wednesday, May 29, 2019, at 1:37 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Lihū'e, and the presence of the following was noted:

Honorable Mason K. Chock
Honorable Luke A. Evslin
Honorable KipuKai Kualī'i
Honorable Arryl Kaneshiro

Not Present: Honorable Arthur Brun
Honorable Ross Kagawa

Excused: Honorable Felicia Cowden

The Clerk read the notice of the public hearing on the following:

“Bill No. 2748 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2019 AND JUNE 30, 2021,”

which was ordered to print by the Council of the County of Kaua'i on April 24, 2019, and published in The Garden Island newspaper on May 1, 2019.

The following communications were received for the record:

1. Alfiler, Dustin, dated May 28, 2019
2. Bush, Ronald, dated May 28, 2019
3. Crane, Chase, dated May 28, 2019
4. Dettle, Lance, dated May 29, 2019
5. Dizol, Kekoa, dated May 29, 2019
6. Doo, Bryan, dated May 28, 2019
7. Garcia, Francisco, dated May 28, 2019
8. Kanoho, Justin, dated May 28, 2019
9. Pablo, Jayson, dated May 29, 2019
10. Prieto, Jolyn Garidan, dated May 28, 2019
11. Serota, Arnold, dated May 28, 2019
12. Stokesbary, Phoebe, dated May 28, 2019
13. Stokesbary, Timothy P., dated May 28, 2019
14. Tanita, Reid, dated May 29, 2019
15. Yamashita, Blair, dated May 28, 2019

The hearing proceeded as follows:

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair
Kaneshiro, we have fifteen (15) written testimony in support of this Bill, and we do have members that would like to speak.

Council Chair Kaneshiro: Okay. If you want to read off the names of those who signed up.

Ms. Fountain-Tanigawa: Sure. The first registered speaker is Bryan Doo, followed by Blair Yamashita.

Council Chair Kaneshiro: Bryan.

BRYAN DOO: Good afternoon, Council. For the record, Bryan Doo. I am a member of the Kaua'i Fire Department and also serve as the Union Steward or Union Chair for the island of Kaua'i representing about one hundred forty (140) or so firefighters within the Department. I am here today to speak on behalf of our members seeking to support Bill No. 2748. I know and understand there is currently some frustration with overtime costs and spiking within our Department, but I am hopeful that you folks are able to separate these issues with the issue at hand, which is this award. I think it has been addressed in prior meetings that both our Department and our members are taking appropriate action to make sure that some of these issues are no longer issues. With that being said, the process to get us here today start over a year ago with proposals being exchanged on both sides, various meetings between the employer group and the union, negotiations with the union and employer group, and finally, to the effect of arbitration. In short, it has been a pretty lengthy process. I think there has been... the last I can remember specifically for myself, over fifty (50) different communications between the union and employer group on this very topic with give and take on both sides. At the end of this whole process, the arbitration panel voted unanimously to approve this award. The employer group, Hawai'i Fire Fighters Association (HFFA) and the panel have fulfilled their statutory requirements and we truly feel this award is fair, reasonable, and consistent with other County public safety employees. I think the County-wide raises were about two percent (2%) and this is within our award and I believe the private sector was averaging about three percent (3%). We see nothing as unreasonable within this award. I will close with this, our occupation here and across the nation, is getting more dangerous by the day. Fires are burning hotter and faster, people are taking more risk to get the perfect picture putting our firefighters in greater risk, our cancer rates are higher than the general public, suicide and post-traumatic stress disorder (PTSD) are rapidly rising across the nation, which is a big issue, and even on this island, we are not immune to the effects of some of these things. Lastly, the burden that is placed upon our families. We are not there for one-third (1/3) of the year. We have to live at the fire station. With this in mind, I think the public and the Council should be aware that there might be a misconception that our job is pretty easy and we hang out at the fire station a lot, but that is very far from the truth. The hazards we face are real and the results of not taking our job seriously and being professional at what we do could be fatal. Please support this Bill. Our firefighters are professionals in what they do.

They put their lives on the line to protect the public and environment, and goal at the end of the day is to go home safely.

Council Chair Kaneshiro: Thank you, Bryan. If you need more time, you can come back for another three (3) minutes.

Mr. Doo: Okay.

Council Chair Kaneshiro: We have a clarifying question.

Councilmember Chock: Really quick, Bryan.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. Are you a part of the negotiation process? Do you sit in on the process?

Mr. Doo: Yes.

Councilmember Chock: Okay, awesome. Will you be here for the Committee Meeting that addresses this Bill and be available for questions?

Mr. Doo: Is that on June 5th?

Councilmember Chock: It is.

Mr. Doo: Yes.

Councilmember Chock: Okay. Thank you so much.

Council Chair Kaneshiro: Thank you.

Mr. Doo: Thank you.

Council Chair Kaneshiro: Blair.

BLAIR YAMASHITA: Good afternoon, Council. For the record, Blair Yamashita. I am also a 13-year member of the Kaua'i Fire Department and I serve as the Division Recorder for the Kaua'i Division for HFFA. I come before you today with testimony in support of Bill No. 2748 as it pertains to the Bargaining Unit 11 arbitrated award. Echoing some of the remarks by my colleague, Bryan before me, procedurally, this award has gone through all phases of the collective bargaining process beginning with the trading of proposals, reaching impasse, going through arbitration, and finally the arbitrated award. The body of the award was unanimously agreed upon by a 3-person panel, which also included a representative from the employer's side. This two percent (2%) wage increase is in line with other public safety departments, essentially the police. Your vote or support of this Bill does not only affect one hundred forty (140) Bargaining Unit 11 firefighters here on Kaua'i, but also the one thousand nine hundred (1,900) members statewide. I feel

that this is a fair contract because of the job that we do, the risks and responsibilities that we accept, the skills that we must possess and maintain, and most importantly, the level of service that we provide to the community. Before I go, there are a couple of things that Bryan had touched upon, but the average life expectancy for a firefighter is sixty (60) years of age. When compared to the general public, the World Health Organization from the United States is seventy-six (76) years old, so we are about a decade-and-a-half short of life expectancy. I think the average life expectancy after retirement is three (3) to four (4) years, so we are putting a lot into this as a career and it is a sacrifice that, I guess, we willingly know and make, but one that obviously is monumental. Cancer rates and deaths due to cancer is two (2) times that of the general public for firefighters, especially prone to digestive oral respiratory and urinary cancers. PTSD among firefighters is averaging about seventeen percent (17%). Each time there is human suffering or trauma that we are exposed to essentially, we are increasing our risk for PTSD. Lastly, between seven percent (7%) and eleven percent (11%) of all firefighters are suffering from clinical-levels of depression, and it is not just, "I do not feel bad today," but it is clinically diagnosed depression. Thank you for your time and please support this Bill.

Council Chair Kaneshiro: Thank you, Blair.

Ms. Fountain-Tanigawa: The last registered speaker is Collin Wilson.

COLLIN WILSON: Good afternoon, Council Chair Kaneshiro and Councilmembers. For the record, Collin Wilson. Those were some very surprising statistics. I retired two (2) years ago and I just made sixty (60) this year. I am here because I am in support of this arbitration award and I understand maybe some of you are not happy, maybe some of you feel that two percent (2%) is too much, or that yearly payments are also too much. On the other side, I am sure there are a number of firefighters that feel the other way, that it was too little and maybe it was not generous enough. I am sure the union would have rather had a four-year contract versus a two-year contract, which is in the award. What I am trying to say that when you decide to go to arbitration, you let an arbitrator decide and not everyone is going to be happy. In this situation, the arbitrator panel took it and that is what firefighters have been doing for the last forty plus (40+) years. Under Chapter 89 of the Hawai'i Revised Statutes other collective bargaining, we gave up the right to strike to have our disagreements settled through arbitration, and that is basically what we have done for the last forty-five (45) years. I have been to a number of the arbitrations. Normally, each side...it is almost like a court procedure where you have the arbitration panel, the independent arbitrator, an arbitrator panel member from the employer, and a panel member from the union. Basically, they sit and each side presents witnesses, they are cross-examined, you have exhibits, you have back and forth expert testimony from different individuals, economists, sometimes mayors will testify, sometimes chiefs will testify, and firefighters will testify depending on the issues. It is not a simple process. It is a long process as was said earlier. It usually starts a year earlier starting with negotiations, maybe mediation, and then arbitration. At the end of the day, each side spends thousands of dollars going through this process. I believe it is a fair process, especially in this particular arbitration award where the 3-member arbitration board all concurred with the award. It is not usually like that. Usually, one (1) panel member will not concur. In

this particular situation, they all concurred. I believe it is a fair award and it is part of the process. Also as was said, firefighters put their lives on the line every single day. Each year in the United States, over one hundred (100) firefighters drive to work in the morning and they do not get to drive home because they die in the line of duty. That might seem insignificant to some of you, but in my book, one (1) is way too many. For myself, I drove to work every day for over thirty-one (31) years and the drive on the way home was a big issue. I would always question to myself, "Wow, that was a lucky one; lucky that we did not get injured or killed in the incident."

Council Chair Kaneshiro: Collin, that is your first three (3) minutes. If you want another three (3) minutes, you can go again, but I have to ask if there are other people in the audience that want to testify.

Mr. Wilson: Sure.

Council Chair Kaneshiro: Do we have anyone else signed up?

Ms. Fountain-Tanigawa: There are no further registered speakers.

Council Chair Kaneshiro: Lonnie.

LONNIE SYKOS: For the record, Lonnie Sykos. For full disclosure, I was trained by the Department of Transportation in shipboard and refinery fires. I was a federally licensed firefighter amongst my other federal licenses back in the day. They truly have a dangerous job. The training for the job is vigorous and like me, many firefighters do not actually fight that many fires. I know here on Kaua'i, the statistic I have heard at the Council is about five percent (5%) or three percent (3%) of the time that they are called out, there is actually a fire. They get called out for medical emergencies and all of that. Those are very difficult circumstances to be in and so I have no objection to what the firefighters are saying about the compensation for what it is that they do. The reason that I am speaking now is to talk to our State representatives. The whole process of how we bargain with the public workers unions, the various aspects of that, is deeply flawed from the perspective of the taxpayer. These issues cannot be addressed by the Council because you do not have legal authority over it. The State Legislature does. The problems with pay spiking and excessive overtime, which one side would argue is not excessive and the other side argues that it is. My personal involvement in this was some years ago when I started taking the Community Emergency Response Team (CERT) program. I was shocked when the instructor told us that he was completely unprepared. They had stopped doing it for some years and then started up again. He told us that everything that he did was on overtime, so he did not have time during the day to prepare for the CERT program; the preparation and the training itself was on overtime. To me, that was incomprehensible of why we would be spending so much money to pay people to do the CERT program on overtime. Those types of structural things are for the senior management of the Fire Department to deal with to control costs, but the collective bargaining problems are Senator Kouchi, et al, at the State Legislature. They need to do something about this instead of just talking about it. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wanting to testify for the first time? Second time? Bryan, did you have any more to say? Blair? Collin?

Mr. Wilson: Collin Wilson, for the record. As I was saying, I drove to work every day for thirty plus (30+) years. It was the drive home the next day when I would tell myself, "That was a lucky one; lucky no of us got killed." I want to think back over fifteen (15) years ago, it was a regular rescue call on the Nā Pali Coast. Myself, Councilmember Chock, who is a former Fire Rescue Specialist in the Department, and another firefighter along with a pilot set out to pick up an injured hiker in Nā Pali. Needless to say, we did not make it out there; we ended up crashing. Ultimately, that ended Councilmember Chock's firefighting career. I was able to continue and retire. Firefighter Roy Constantino is still working with the Department. But I am sure that Councilmember Chock would agree with me that it could have been totally different that day. We could have been brought home in body bags. That is just nature of what we do. We put our lives on the line, not every day, but when we have to, and we do our best to survive. Most firefighters are humble, so they are not going to talk about it. I do not usually talk about it. I have kept this silent for years, but it affects you. I am sure Councilmember Chock knows what I am talking about. We do what we can to support the community. Again, I am just asking for you to support the arbitration award. Thank you very much.

Council Chair Kaneshiro: Thank you. Anyone else? If not, this public hearing is now adjourned. That is it for our public hearings.

There being no further testimony, the public hearing adjourned at 1:54 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk