



# GOV. MSG. NO. 1244

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 1, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2024, the following bill was signed into law:

SB2991 SD2 HD2 CD1

RELATING TO COLLECTIVE BARGAINING  
UNIT CREATION.  
**ACT 143**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING UNIT CREATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to amend chapter 89,  
2 Hawaii Revised Statutes, to establish the authority of the  
3 Hawaii labor relations board to develop the criteria for and to  
4 assess requests for creating new bargaining units.

5 SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended  
6 by adding a new section to be appropriately designated and to  
7 read as follows:

8 "§89- Establishment of new bargaining units. (a) The  
9 board shall adopt rules pursuant to chapter 91 establishing  
10 criteria and procedures for the establishment of a new  
11 bargaining unit. The rules shall include a requirement that any  
12 employee who is not included in an existing bargaining unit  
13 under section 89-6(a) and not excluded under section 89-6(f),  
14 employer, or exclusive representative proposing to establish a  
15 new bargaining unit petition the board and submit an application  
16 along with any relevant supporting documents. Any employee who  
17 is not included in an existing bargaining unit under section  
18 89-6(a) and not excluded under section 89-6(f), employer, or



1 executive representative may petition the board to determine the  
2 appropriateness of a new bargaining unit.

3 (b) In determining the appropriateness of a new bargaining  
4 unit, the board shall consider, at a minimum:

5 (1) The principles of efficient administration of  
6 government and the effect of over fragmentation;

7 (2) The number of employee organizations with which the  
8 employer jurisdictions might have to negotiate;

9 (3) An identifiable, compelling, community of interest  
10 among the employees to be included in the bargaining  
11 unit, considering:

12 (A) The wages, hours, and other working conditions of  
13 the public employees involved;

14 (B) The similarity of duties, responsibilities,  
15 skills, knowledge, and other working conditions  
16 of the public employees;

17 (C) The method by which jobs classifications and  
18 salary range designations are determined;

19 (D) The interdependence of jobs and interchange of  
20 employees; and



1           (E) The feasibility and appropriateness of placement  
2           in existing bargaining units; and  
3           (4) Other factors normally or traditionally taken into  
4           consideration in determining the appropriateness of  
5           bargaining units in the public sector;  
6 provided that notwithstanding bargaining unit (8), no bargaining  
7 unit shall be established or approved for purposes of collective  
8 bargaining that includes both professional and non-professional  
9 employees.

10           (c) Upon making a determination of whether or not to  
11 approve a petition to establish a new bargaining unit, the board  
12 shall issue a decision and order. If the petition is approved,  
13 the board shall submit a report to the legislature, including  
14 proposed legislation for the legislature to consider and enact  
15 the establishment of the new bargaining unit, which shall be  
16 accompanied by the decision and order issued by the board."

17           SECTION 3. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$95,000 or so much  
19 thereof as may be necessary for fiscal year 2024-2025 to  
20 establish one full-time equivalent (1.0 FTE) staff attorney  
21 position (LBR 161), exempt from chapter 76, Hawaii Revised



1 Statutes, within the Hawaii labor relations board to implement  
2 the criteria and procedures established by section 2 of this  
3 Act.

4 The sum appropriated shall be expended by the department of  
5 labor and industrial relations for the purposes of this Act.

6 SECTION 4. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2024, and  
11 shall be repealed on July 1, 2027.



S.B. NO.

2991  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this **1st** day of **July**, 2024

A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J".

GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2991, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives