
A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

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

1 SECTION 1. The legislature finds that the legislature
2 established the Hawaii labor relations board and its predecessor
3 to ensure that individuals would be board members for
4 consecutive terms. The purpose was for board members to
5 accumulate experience and to provide continuity and uniformity
6 for the board's decisions and conduct. The legislature further
7 finds that chapter 89, Hawaii Revised Statutes, reflects this
8 intent, and board members, for the most part, served consecutive
9 terms and accomplished the original goals.

10 The legislature finds, however, that recent appointments to
11 the Hawaii labor relations board have not reflected the
12 legislature's intent as codified in chapter 89, Hawaii Revised
13 Statutes. The purpose of this Act is to remedy this recent
14 development by clarifying the legislature's intent.

15 SECTION 2. Section 89-5, Hawaii Revised Statutes, is
16 amended by amending subsections (b) and (c) to read as follows:

17 "(b) The board shall be composed of three members of which
18 (1) one member shall be representative of management, (2) one



1 member shall be representative of labor, and (3) the third
2 member, the chairperson, shall be representative of the public.
3 All members shall be appointed by the governor [~~for terms of six~~
4 ~~years each.~~] in the following manner:

5 (1) Public employers shall submit to the governor a list
6 of persons from which the governor shall select the
7 member representing management.

8 (2) Employee organizations representing public employees
9 shall submit to the governor a list of persons from
10 which the governor shall select the member
11 representing labor.

12 (3) Public employers and employee organizations
13 representing public employees [may] shall meet and
14 submit to the governor [~~for consideration names~~] a
15 list of persons [~~to serve as members of the board and~~ and
16 ~~the governor shall first consider these persons in~~
17 ~~selecting the members of the board.] that have been~~
18 approved by at least sixty per cent of both the public
19 employers and the employee organizations, who shall be
20 the exclusive representatives of the bargaining units
21 as set forth in section 89-6(a); provided that each
22 exclusive representative shall have one vote per



1 bargaining unit that the representative is certified
2 to represent; provided further that the governor shall
3 select a representative only from the list that was
4 submitted in the foregoing manner by the public
5 employers and employee organizations representing
6 public employees.

7 (c) Each member shall hold office until the member's
8 successor is appointed and qualified. Because cumulative
9 experience and continuity in office are essential to the proper
10 administration of this chapter, it is declared to be in the
11 public interest to continue board members in office as long as
12 efficiency is demonstrated, [~~notwithstanding the provision of~~
13 ~~section 26-34, which limits the appointment of a member of a~~
14 ~~board or commission to two terms.] without a term limit for
15 board members; provided that members shall only hold office
16 during good behavior and shall be removed only in the manner in
17 which judges are removed, as set forth in article VI, section 5
18 of the Constitution of the State of Hawaii."~~

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: KEVIN CALDWELL

JAN 24 2007



Report Title:

Hawaii Labor Relations Board

Description:

Clarifies the procedure on how to elect members of the Hawaii labor relations board.

