

JAN 24 2013

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) In addition to the powers and functions provided in other sections of this chapter, the board shall:

(1) Establish procedures for, investigate, and resolve, any dispute concerning the designation of an appropriate bargaining unit and the application of section 89-6 to specific employees and positions;

(2) Establish procedures for, resolve disputes with respect to, and supervise the conduct of, elections for the determination of employee representation;

(3) Resolve controversies under this chapter;

(4) Conduct proceedings on complaints of prohibited practices by employers, employees, and employee organizations and take such actions with respect thereto as it deems necessary and proper;

(5) Hold such hearings and make such inquiries, as it deems necessary, to carry out properly its functions



1 and powers, and for the purpose of such hearings and
2 inquiries, administer oaths and affirmations, examine
3 witnesses and documents, take testimony and receive
4 evidence, compel attendance of witnesses and the
5 production of documents by the issuance of subpoenas,
6 and delegate such powers to any member of the board or
7 any person appointed by the board for the performance
8 of its functions;

9 (6) Determine qualifications and establish, after
10 reviewing nominations submitted by the public
11 employers and employee organizations, lists of
12 qualified persons, broadly representative of the
13 public, to be available to serve as mediators or
14 arbitrators;

15 (7) Establish a fair and reasonable range of daily or
16 hourly rates at which mediators and arbitrators on the
17 lists established under paragraph (6) are to be
18 compensated;

19 (8) Conduct studies on problems pertaining to public
20 employee-management relations, and make
21 recommendations with respect thereto to the
22 legislative bodies; request information and data from



1 state and county departments and agencies and employee
2 organizations necessary to carry out its functions and
3 responsibilities; make available to all concerned
4 parties, including mediators and arbitrators,
5 statistical data relating to wages, benefits, and
6 employment practices in public and private employment
7 to assist them in resolving issues in negotiations;
8 (9) Adopt rules relative to the exercise of its powers and
9 authority and to govern the proceedings before it in
10 accordance with chapter 91; and
11 (10) Execute all of its responsibilities in a timely manner
12 so as to facilitate and expedite the resolution of
13 issues before it[-]; provided that any complaint not
14 resolved within thirty days shall be resolved in favor
15 of the complainant."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19 INTRODUCED BY: 



S.B. NO. 1248

Report Title:

Collective Bargaining; Public Employment; Labor Relations Board;
Deadlines for Decisions

Description:

Requires that a complaint not resolved within 30 days by the
Hawaii labor relations board be deemed resolved in favor of the
complainant.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

