

JAN 23 2014

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

3 "(e) Any action taken by the board shall be by a simple
4 majority of the members of the board. All decisions of the
5 board shall be reduced to writing and shall state separately its
6 finding of fact and conclusions. Any vacancy in the board shall
7 not impair the authority of the remaining members to exercise
8 all the powers of the board. The governor may appoint an acting
9 member of the board during the temporary absence from the State,
10 temporary inability to act due to recusal, or illness of any
11 regular member. An acting member, during the acting member's
12 term of service, shall have the same powers and duties as the
13 regular member; provided that:

14 (1) If the regular member is the representative of
15 ~~[management or]~~ labor, then employee organizations
16 representing public employees may submit to the
17 governor for consideration names of persons to serve



1 as an acting member and the governor shall first
2 consider these persons in selecting an acting member;

3 (2) If the regular member is the representative of
4 management, then public employers may submit to the
5 governor for consideration names of persons to serve
6 as an acting member and the governor shall first
7 consider these persons in selecting an acting member;

8 (3) Subsection (d) shall not apply to an acting member;
9 and

10 (4) An acting member appointed due to a regular member's
11 recusal shall be appointed for the case in which the
12 recusal occurred, and the acting member's appointment
13 shall terminate when the final decision is filed or
14 the case is withdrawn."

15 SECTION 2. Section 89-5.1, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~§~~§89-5.1~~§~~] **Hearing notice.** Notwithstanding section
18 91-9.5, in any hearing conducted by the board, all parties shall
19 be given written notice of the hearing by first class mail or by
20 electronic service through a company designated by the board at
21 least fifteen days before the scheduled date of the hearing."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:

CPTM Hee



S.B. NO. 3038

Report Title:

Hawaii Labor Relations Board; Electronic Service

Description:

Authorizes notice of hearings to be served by electronic service through a company designated by the Hawaii labor relations board. Clarifies the process to replace a recused Hawaii labor relations board member representing labor.

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