

---

# 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 changes in federal  
2 and state law may require immediate alterations to Hawaii's  
3 collective bargaining in public employment statutes, rules, or  
4 agency practices. The outcomes and dispositions of cases  
5 currently pending in the nation's courts may require public  
6 employee unions to restructure their financing and may have a  
7 serious effect on the application of Hawaii's collective  
8 bargaining in public employment law codified under chapter 89,  
9 Hawaii Revised Statutes.

10       The legislature also finds that future Supreme Court  
11 decisions may impact Hawaii's public employment relations at any  
12 time, including when the legislature is not in session.

13 Analyzing the impact of these decisions requires:

14       (1) Specialized skill in interpreting state law,  
15               specifically Hawaii's collective bargaining in public  
16               employment law; and

17       (2) Urgency to prevent the impairment of important rights.



1       The purpose of this Act is to promote harmonious and  
2 cooperative relations between government and its employees by  
3 requiring the Hawaii labor relations board to adopt emergency  
4 rules if the board finds that Hawaii's collective bargaining in  
5 public employment law, or the application thereof, is  
6 inconsistent with any federal or state law and the adoption of  
7 an emergency rule is urgently needed. Emergency rules enacted  
8 by the Hawaii labor relations board pursuant to this Act may  
9 stabilize public employment relations until the legislature or  
10 board establishes a permanent solution after appropriate  
11 deliberation.

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

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

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



- 1 (2) Establish procedures for, resolve disputes with  
2 respect to, and supervise the conduct of, elections  
3 for the determination of employee representation;
- 4 (3) Resolve controversies under this chapter;
- 5 (4) Conduct proceedings on complaints of prohibited  
6 practices by employers, employees, and employee  
7 organizations and take such actions with respect  
8 thereto as it deems necessary and proper;
- 9 (5) Hold such hearings and make such inquiries, as it  
10 deems necessary, to carry out properly its functions  
11 and powers, and for the purpose of such hearings and  
12 inquiries, administer oaths and affirmations, examine  
13 witnesses and documents, take testimony and receive  
14 evidence, compel attendance of witnesses and the  
15 production of documents by the issuance of subpoenas,  
16 and delegate such powers to any member of the board or  
17 any person appointed by the board for the performance  
18 of its functions;
- 19 (6) Determine qualifications and establish, after  
20 reviewing nominations submitted by the public  
21 employers and employee organizations, lists of



1 qualified persons, broadly representative of the  
2 public, to be available to serve as mediators or  
3 arbitrators;

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

8 (8) Conduct studies on problems pertaining to public  
9 employee-management relations, and make  
10 recommendations with respect thereto to the  
11 legislative bodies; request information and data from  
12 state and county departments and agencies and employee  
13 organizations necessary to carry out its functions and  
14 responsibilities; make available to all concerned  
15 parties, including mediators and arbitrators,  
16 statistical data relating to wages, benefits, and  
17 employment practices in public and private employment  
18 to assist them in resolving issues in negotiations;

19 (9) Adopt rules relative to the exercise of its powers and  
20 authority and to govern the proceedings before it in  
21 accordance with chapter 91; [and]



1        (10) Adopt emergency rules, in accordance with sections 91-  
2        3 and 91-4, if the board finds that any section under  
3        chapter 89, or the application thereof, is  
4        inconsistent with any federal or state law, and the  
5        adoption of an emergency rule is urgently needed to:

6        (A) Conform chapter 89 or board rules with any  
7        requirements under federal or state law;

8        (B) Implement rights pursuant to federal or state  
9        law;

10       (C) Clarify chapter 89;

11       (D) Stabilize public employment relations;

12       (E) Avoid disruption of governmental operations;

13       (F) Facilitate a board or legislative study on the  
14       impact of federal or state law;

15       (G) Reinforce or preserve the public policy of the  
16       State as stated in section 89-1; or

17       (H) Temporarily resolve a practical problem; and

18       [~~(10)~~] (11) Execute all of its responsibilities in a timely  
19       manner so as to facilitate and expedite the resolution  
20       of issues before it."



- 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 on January 1, 2050.



**Report Title:**

Hawaii Labor Relations Board; Emergency Rulemaking

**Description:**

Requires the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that Hawaii's Collective Bargaining in Public Employment Law, or its application, is inconsistent with any federal or state law and the adoption of an emergency rule is urgently needed. (HB1929 HD1)

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

