
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
2 91-3 and 91-4, if the board finds that any section
3 under 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 this chapter 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 this chapter;

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. Takes effect on 7/1/2050. (SD1)

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