
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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 subsections (b) and (c) to read as follows:

3 "(b) The board shall be composed of three members, of
4 which ~~[(1)]~~ one member shall be representative of management,
5 ~~[(2)]~~ one member shall be representative of labor, and ~~[(3)]~~ the
6 third member, the chairperson, shall be representative of the
7 public. All members shall be appointed for terms of six years
8 each in accordance with the following procedures:

9 (1) The representative of management shall be appointed by
10 the governor, who may first consider any names
11 submitted by the counties; provided that each county
12 may submit no more than one name;

13 (2) The representative of labor shall be a person who is
14 appointed by the governor ~~[from a list of three~~
15 ~~nominees submitted by mutual agreement from a majority~~
16 ~~of the exclusive representatives,]~~ and whose name has
17 been submitted to the governor to serve as the



1 representative of labor by the exclusive
2 representatives certified pursuant to section 89-8.
3 The process to determine the nominee whose name is to
4 be submitted to the governor shall be determined by a
5 simple majority of the exclusive representatives
6 certified pursuant to section 89-8. The governor
7 shall transmit the name of the person nominated to
8 serve as the representative of labor to the senate for
9 advice and consent no later than twenty days after
10 submission of the nominee's name to the governor;
11 provided that, if the governor fails to nominate the
12 person whose name has been submitted by a simple
13 majority of exclusive representatives in accordance
14 with this paragraph, the simple majority of exclusive
15 representatives who recommended the person shall
16 transmit the person's name directly to the senate for
17 confirmation; and

18 (3) The representative of the public shall be appointed by
19 the governor.

20 (c) Each member shall hold office until the member's
21 successor is appointed and qualified. Because cumulative



1 experience and continuity in office are essential to the proper
2 administration of this chapter, it is declared to be in the
3 public interest to continue board members in office as long as
4 efficiency is demonstrated, notwithstanding the provision of
5 section 26-34 [~~which limits the appointment of a member of a~~
6 ~~board or commission to two terms~~].

7 Notwithstanding the foregoing paragraph, if the
8 representative of labor does not demonstrate the necessary
9 ability to serve as an effective representative, as determined
10 by a simple majority of exclusive representatives certified
11 pursuant to section 89-8, then the representative shall be
12 removed from office upon written request to the governor by a
13 simple majority of the exclusive representatives authorized to
14 nominate the representative of labor. The written request for
15 the removal of the representative of labor shall include an
16 effective date for the representative of labor's removal. The
17 removal from office of a representative of labor requested
18 pursuant this paragraph shall be executed no later than the
19 effective date of the removal specified in the written request."

20



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

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



Report Title:

Collective Bargaining; Hawaii Labor Relations Board; Labor Representative; Removal

Description:

Requires the representative of labor on the Hawaii labor relations board to be a person whose name has been chosen by the exclusive representatives of the collective bargaining units through a process determined by a simple majority of exclusive representatives and submitted to the Governor for appointment with the advise and consent of the Senate. Allows a simple majority of the exclusive representatives who recommended the nominee to transmit the nominee's name directly to the Senate for confirmation if the governor fails to do so within twenty days after the exclusive representatives' submission of the nominee's name to the governor. Allows a simple majority of the exclusive representatives of the collective bargaining units to remove, via a written request to the governor, the representative of labor from the Hawaii labor relations board during the member's term. (SD1)

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