

JAN 22 2021

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# 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



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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 not 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.

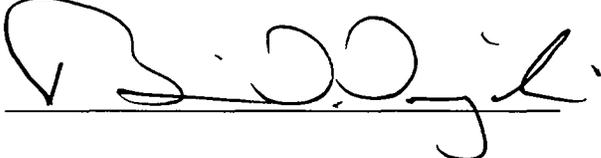
7 Notwithstanding the foregoing paragraph, if a  
8 representative of labor does not demonstrate the necessary  
9 ability to serve as an effective representative, as determined  
10 by a simple majority of exclusive representatives certified  
11 pursuant to section 89-8, then the representative shall 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 not later than the  
19 effective date of the removal specified in the written request."

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 Statutory material to be repealed is bracketed  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



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

2  
INTRODUCED BY: 



# S.B. NO. 678

**Report Title:**

Collective Bargaining; HLRB; Labor

**Description:**

Establishes that the representative of labor on the Hawaii Labor Relations Board be a person selected by a majority of the exclusive representatives of the collective bargaining units. Establishes procedures for removal of the representative of labor on the Hawaii Labor Relations Board.

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

