
HOUSE RESOLUTION

REQUESTING THE HAWAII LABOR RELATIONS BOARD TO ESTABLISH
OBJECTIVE STANDARDS AND CRITERIA FOR SPLITTING OFF A GROUP
OF STATE WORKERS INTO A NEW BARGAINING UNIT.

1 WHEREAS, the National Labor Relations Act, title 29 United
2 States Code sections 151-169 (Act), declares that the policy of
3 the United States is to be carried out "by encouraging the
4 practice and procedure of collective bargaining and by
5 protecting the exercise by workers of full freedom of
6 association, self-organization, and designation of
7 representatives of their own choosing, for the purpose of
8 negotiating the terms and conditions of their employment or
9 other mutual aid or protection"; and

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11 WHEREAS, under the Act a unit of employees is a group of
12 two or more employees who share a community of interest and may
13 reasonably be grouped together for purposes of collective
14 bargaining; the determination of what is an appropriate unit for
15 these purposes is, under the Act, left to the discretion of the
16 National Labor Relations Board (Board); and

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18 WHEREAS, this broad discretion is limited by several other
19 provisions of the Act, including the Board's inability to
20 approve as appropriate a unit that includes both professional
21 and nonprofessional employees, unless a majority of the
22 professional employees involved vote to be included in the mixed
23 unit; and

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25 WHEREAS, under the Act, the appropriateness of a bargaining
26 unit is generally determined on the basis of a community of
27 interest of the employees involved, where, among other factors,
28 those who have the same or substantially similar interests
29 concerning wages, hours, and working conditions are grouped
30 together in a bargaining unit; and

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1 WHEREAS, section 89-6, Hawaii Revised Statutes, recognizes
2 fifteen bargaining units and also lists categories of
3 individuals who shall not be included in any appropriate
4 bargaining unit or be entitled to coverage under that chapter;
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7 WHEREAS, this body continues to consider measures
8 requesting that additional bargaining units be established but
9 lacks objective standards and criteria to evaluate whether a new
10 bargaining unit is appropriate; and
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12 WHEREAS, the creation of a new bargaining unit has
13 significant impacts for not only the employees receiving the
14 benefit of collective bargaining, but also the employer who must
15 then negotiate on subjects including wages, hours, conditions of
16 employment, and benefits; and
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18 WHEREAS, the protection of fair working conditions and
19 workers' rights are important topics that should not be
20 addressed in a haphazard manner but with the benefit of
21 standards and criteria that can be applied without bias; now,
22 therefore,
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24 BE IT RESOLVED by the House of Representatives of the
25 Thirty-second Legislature of the State of Hawaii, Regular
26 Session of 2023, that the Hawaii Labor Relations Board is
27 requested to establish objective standards and criteria for
28 splitting off a group of state workers into a new bargaining
29 unit to assist the Legislature in determining the
30 appropriateness of requests that come before it; and
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32 BE IT FURTHER RESOLVED that the Hawaii Labor Relations
33 Board is requested to submit a report of its findings and
34 recommendations, including any proposed legislation, to the
35 Legislature no later than twenty days prior to the convening of
36 the Regular Session of 2024; and
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38 BE IT FURTHER RESOLVED that certified copies of this
39 Resolution be transmitted to the Governor and Chief Negotiator
40 of the Office of Collective Bargaining.
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