
HOUSE CONCURRENT 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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WHEREAS, section 89-6, Hawaii Revised Statutes, recognizes fifteen bargaining units and also lists categories of individuals who shall not be included in any appropriate bargaining unit or be entitled to coverage under that chapter; and

WHEREAS, this body continues to consider measures requesting that additional bargaining units be established but lacks objective standards and criteria to evaluate whether a new bargaining unit is appropriate; and

WHEREAS, the creation of a new bargaining unit has significant impacts for not only the employees receiving the benefit of collective bargaining, but also the employer who must then negotiate on subjects including wages, hours, conditions of employment, and benefits; and

WHEREAS, the protection of fair working conditions and workers' rights are important topics that should not be addressed in a haphazard manner but with the benefit of standards and criteria that can be applied without bias; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, the Senate concurring, that the Hawaii Labor Relations Board is requested to establish objective standards and criteria for splitting off a group of state workers into a new bargaining unit to assist the Legislature in determining the appropriateness of requests that come before it; and

BE IT FURTHER RESOLVED that the Hawaii Labor Relations Board is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor and Chief Negotiator of the Office of Collective Bargaining.

