
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING UNIT CREATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to amend chapter 89,
2 Hawaii Revised Statutes, to establish the authority of the
3 Hawaii labor relations board to develop the criteria for and to
4 assess requests for creating new bargaining units.

5 SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§89- Establishment of new bargaining units. (a) The
9 board shall adopt rules pursuant to chapter 91 establishing
10 criteria and procedures for the establishment of a new
11 bargaining unit. The rules shall include a requirement that any
12 employee who is not included in an existing bargaining unit
13 under section 89-6(a) and not excluded under section 89-6(f),
14 employer, or exclusive representative proposing to establish a
15 new bargaining unit petition the board and submit an application
16 along with any relevant supporting documents. Any employee who
17 is not included in an existing bargaining unit under section
18 89-6(a) and not excluded under section 89-6(f), employer, or



1 executive representative may petition the board to determine the
2 appropriateness of a new bargaining unit.

3 (b) In determining the appropriateness of a new bargaining
4 unit, the board shall consider, at a minimum:

5 (1) The principles of efficient administration of
6 government and the effect of over fragmentation;

7 (2) The number of employee organizations with which the
8 employer jurisdictions might have to negotiate;

9 (3) An identifiable, compelling, community of interest
10 among the employees to be included in the bargaining
11 unit, considering:

12 (A) The wages, hours, and other working conditions of
13 the public employees involved;

14 (B) The similarity of duties, responsibilities,
15 skills, knowledge, and other working conditions
16 of the public employees;

17 (C) The method by which jobs classifications and
18 salary range designations are determined;

19 (D) The interdependence of jobs and interchange of
20 employees; and



1 (E) The feasibility and appropriateness of placement
2 in existing bargaining units; and

3 (4) Other factors normally or traditionally taken into
4 consideration in determining the appropriateness of
5 bargaining units in the public sector;

6 provided that notwithstanding bargaining unit (8), no bargaining
7 unit shall be established or approved for purposes of collective
8 bargaining that includes both professional and non-professional
9 employees.

10 (c) Upon making a determination of whether or not to
11 approve a petition to establish a new bargaining unit, the board
12 shall issue a decision and order. If the petition is approved,
13 the board shall submit a report to the legislature, including
14 proposed legislation for the legislature to consider and enact
15 the establishment of the new bargaining unit, which shall be
16 accompanied by the decision and order issued by the board."

17 SECTION 3. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$95,000 or so much
19 thereof as may be necessary for fiscal year 2024-2025 to
20 establish one full-time equivalent (1.0 FTE) staff attorney
21 position (LBR 161), exempt from chapter 76, Hawaii Revised



1 Statutes, within the Hawaii labor relations board to implement
2 the criteria and procedures established by section 2 of this
3 Act.

4 The sum appropriated shall be expended by the department of
5 labor and industrial relations for the purposes of this Act.

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2024, and
11 shall be repealed on July 1, 2027.



Report Title:

HLRB; Collective Bargaining; New Unit; Criteria; Report; Appropriation

Description:

Requires the Hawaii Labor Relations Board to adopt rules establishing criteria and procedures for the creation of new bargaining units. Requires certain employees or any employer or exclusive representative proposing a new bargaining unit to submit an application to the Board. Allows certain employees or any employer or exclusive representative to petition the Board to determine the appropriateness of a new bargaining unit. Requires the Board to consider certain criteria in determining the appropriateness of a new bargaining unit. Requires the Board to, upon its approval of the application, submit a report to the Legislature, including proposed legislation to create the new bargaining unit, accompanied by a decision and order issued by the Board. Makes an appropriation. Repeals 7/1/2027. (CD1)

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

