

---

---

# 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 that 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 that  
17 is not included in an existing bargaining unit under section 89-



1 6(a) and not excluded under section 89-6(f), employer, or  
2 executive representative may petition the board to determine the  
3 appropriateness of a new bargaining unit.

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

- 6 (1) The principles of efficient administration of  
7 government and the effect of over fragmentation;
- 8 (2) The number of employee organizations with which the  
9 employer jurisdictions might have to negotiate;
- 10 (3) An identifiable, compelling, community of interest  
11 among the employees to be included in the bargaining  
12 unit, considering:
  - 13 (A) The wages, hours, and other working conditions of  
14 the public employees involved;
  - 15 (B) The similarity of duties, responsibilities,  
16 skills, knowledge, and other working conditions  
17 of the public employees;
  - 18 (C) The method by which jobs classifications and  
19 salary range designations are determined;
  - 20 (D) The interdependence of jobs and interchange of  
21 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 which shall be accompanied by the decision and order issued by  
16 the board."

17           SECTION 3. In accordance with section 9 of article VII of  
18 the Hawaii State Constitution and sections 37-91 and 37-93,  
19 Hawaii Revised Statutes, the legislature has determined that the  
20 appropriations contained in Act 164, Regular Session of 2023,  
21 and this Act will cause the state general fund expenditure



1 ceiling for fiscal year 2024-2025 to be exceeded by  
2 \$ or per cent. This current declaration takes  
3 into account general fund appropriations authorized for fiscal  
4 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
5 only. The reasons for exceeding the general fund expenditure  
6 ceiling are that:

- 7 (1) The appropriation made in this Act is necessary to  
8 serve the public interest; and
- 9 (2) The appropriation made in this Act meets the needs  
10 addressed by this Act.

11 SECTION 4. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2024-2025 for  
14 the purposes of this Act, including the development of the  
15 criteria and procedures in section 2 of this Act and to  
16 establish full-time equivalent ( FTE) position within  
17 the Hawaii labor relations board to implement the criteria and  
18 procedures established by section 2 of this Act.

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



1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 3000;  
6 provided that section 4 shall take effect on July 1, 2024.



**Report Title:**

Hawaii Labor Relations Board; Collective Bargaining; New Unit; Criteria; Report; Appropriation; Expenditure Ceiling

**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. Appropriates funds. Effective 7/1/3000. (HD2)

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

