
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

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 subsection (i) to read as follows:

3 "(i) In addition to the powers and functions provided in
4 other sections of this chapter, the board shall:

5 (1) Establish procedures for, investigate, and resolve any
6 dispute concerning the designation of an appropriate
7 bargaining unit and the application of section 89-6 to
8 specific employees and positions;

9 (2) Establish procedures for, resolve disputes with
10 respect to, and supervise the conduct of elections for
11 the determination of employee representation;

12 (3) Resolve controversies under this chapter;

13 (4) Conduct proceedings on complaints of prohibited
14 practices by employers, employees, and employee
15 organizations and take [~~such~~] actions with respect
16 thereto as it deems necessary and proper[~~+~~], including
17 exercising its powers under this chapter to enforce



1 its own orders, in addition to its discretion to seek
2 enforcement of an order of the board pursuant to
3 section 377-9(e);

4 (5) Hold [~~such~~] hearings and make [~~such~~] inquiries, as it
5 deems necessary, to carry out properly its functions
6 and powers, and for the purpose of [~~such~~] the hearings
7 and inquiries, administer oaths and affirmations,
8 examine witnesses and documents, take testimony and
9 receive evidence, compel attendance of witnesses and
10 the production of documents by the issuance of
11 subpoenas, and delegate [~~such~~] these powers to any
12 member of the board or any person appointed by the
13 board for the performance of its functions;

14 (6) Determine qualifications and establish, after
15 reviewing nominations submitted by the public
16 employers and employee organizations, lists of
17 qualified persons, broadly representative of the
18 public, to be available to serve as mediators,
19 grievance arbitrators, or a combination thereof;



- 1 (7) Resolve disputes over the qualifications and criteria
2 of the list of five qualified arbitrators provided
3 pursuant to section 89-11(e)(2)(A);
- 4 (8) Establish a fair and reasonable range of daily or
5 hourly rates at which mediators and arbitrators on the
6 lists established under paragraph (6) are to be
7 compensated;
- 8 (9) Conduct studies on problems pertaining to public
9 employee-management relations, and make
10 recommendations with respect thereto to the
11 legislative bodies; request information and data from
12 state and county departments and agencies and employee
13 organizations necessary to carry out its functions and
14 responsibilities; make available to all concerned
15 parties, including mediators and arbitrators,
16 statistical data relating to wages, benefits, and
17 employment practices in public and private employment
18 to assist them in resolving issues in negotiations;
- 19 (10) Adopt rules relative to the exercise of its powers and
20 authority and to govern the proceedings before it in
21 accordance with chapter 91; and



1 (11) Execute all of its responsibilities in a timely manner
2 so as to facilitate and expedite the resolution of
3 issues before it."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect July 1, 2050.



Report Title:

HLRB; Collective Bargaining in Public Employment; Orders; Enforcement

Description:

Clarifies that the Hawaii Labor Relations Board has the authority to enforce its own orders issued pursuant to state law governing collective bargaining in public employment, in addition to discretion to seek judicial enforcement of its orders under the Hawaii Employment Relations Act. Effective 7/1/2050. (SD1)

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