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# 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)

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

