

ACT 56

A Bill for an Act Relating to Employment Relations and Amending Section 90-3, Revised Laws of Hawaii 1955.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11 of Article III of the State Constitution provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said section 11 of Article III of the State Constitution, this Act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

The Hawaii employment relations board does not presently have a full-time hearings officer or counsel. The lack of such a full-time employee has resulted in long delays in processing of both representation cases and unfair labor practice charges before the board. These long delays have seriously affected the effectiveness of the Hawaii employment relations board in furthering stable labor-management relations. The board and its employees have also been subjected to criticism because of these delays. In order to remedy this situation and to provide for the effective enforcement of the Hawaii employment relations Act this legislature deems it necessary and urgent to amend section 90-3 of the Revised Laws of Hawaii in order to assure that the board will have a full-time hearings officer, counsel.

SECTION 2. Section 90-3, Revised Laws of Hawaii is hereby

amended by amending the second and third paragraphs of said section to read as follows :

“The board shall employ a qualified attorney who is licensed to practice in all the courts of the state to serve as its hearings officer-counsel at its pleasure and shall not be subject to the civil service laws of the state. It shall also fix the compensation of said employee. Said employee shall devote his entire time to the duties of hearings officer-counsel and shall not be actively engaged or employed in the practice of law or other work in conflict with his official duties as hearings officer-counsel. The board may employ, promote and remove examiners, a secretary, clerks, stenographers, and other assistants under such existing civil service and classification laws as may be applicable; provided, in the event the board determines that the performance of its functions does not require the services of a person in any of the positions, other than that of the hearings officer-counsel, on a permanent basis, then the board may employ and fix the compensation of a person to fill any of the positions from time to time on either a part-time or temporary basis without regard to chapters 3 and 4.

“The board may also in conformity with section 9-2 employ and remove other counsel who are licensed to practice in all the courts of the state, and fix their compensation. Such counsel may, at the direction of the board, appear for the* represent the board in any case in court.”

SECTION 3. This Act shall take effect upon its approval.

(Approved May 2, 1964.) S.B. 255.

* So in original; probably should read “and”.