



SECTION 1. Section 26-20, Hawaii Revised Statutes, is amended to read as follows:

**"§26-20 Department of labor and industrial relations.** The department of labor and industrial relations shall be headed by a single executive to be known as the director of labor and industrial relations.

The department shall administer programs designed to increase the economic security, physical and economic well-being, and productivity of workers, and to achieve good labor-management relations, including the administration of workers' compensation, employment security, apprenticeship training, wage and hour, and industrial relations laws. The department shall also have the function of developing, preparing, and disseminating information on employment, unemployment, and general labor market conditions.

There shall be within the department of labor and industrial relations a committee to be known as the advisory committee on labor and industrial relations which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations. The advisory committee shall consist of an equal number of representatives from labor, from management, and from the public, appointed by the director who shall designate one of the public members as chairman.

The labor and industrial relations appeal board and the industrial accident boards provided for in chapters 371 and 386 are placed within the department of labor and industrial relations for administrative purposes. The respective functions, duties, and powers, subject to the administrative control of the director of labor and industrial relations, and the composition of each board shall be as heretofore provided by law.

There shall be within the department of labor and industrial relations a [commission] board to be known as the Hawaii [employment] labor relations board]. The board shall consist of five members. Two of the members shall be representatives from labor, two from management, and one from the public. One labor member and one management member shall be from the city and county of Honolulu, and one labor and one management member shall be from outside the city and county of Honolulu. The board shall exercise powers and duties in accordance with the Hawaii employment relations act, chapter 377.] as provided for in section 89-5, which shall exercise powers and duties in accordance with chapters 89 and 377. The director shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the exercise of its powers or duties [under the Hawaii employment relations act. The board may appoint a hearings officer or officers as required to perform its responsibilities].

The functions of mediation heretofore exercised by the commission of labor and industrial relations existing immediately prior to November 25, 1959, as provided in section 371-10, shall be exercised by the governor or his designated agent.

The director may establish within the department of labor and industrial relations a committee to be known as the apprenticeship council which shall sit in an advisory capacity to the director of labor and industrial relations on matters within the jurisdiction of the department of labor and industrial relations relating to apprenticeship programs. The membership and organization of the council shall be determined by the director.

The functions and authority heretofore exercised by the department of labor and industrial relations, Hawaii employment relations board, and

apprenticeship council as heretofore constituted are transferred to the department of labor and industrial relations established by this chapter."

SECTION 2. Section 89-1, Hawaii Revised Statutes, is amended to read as follows:

"[ [§89-1[ ] ] **Statement of findings and policy.** The legislature finds that [joint-decision making] joint decision-making is the modern way of administering government. Where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method for dealing with disputes and work stoppages, and to maintain a favorable political and social environment.

The legislature declares that it is the public policy of the State to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are best effectuated by (1) recognizing the right of public employees to organize for the purpose of collective bargaining, (2) requiring the public employers to negotiate with and enter into written agreements with exclusive representatives on matters of wages, hours, and other<sup>1</sup> conditions of employment, while, at the same time, (3) maintaining merit principles and the principle of equal pay for equal work among state and county employees pursuant to sections 76-1, 76-2, 77-31, and 77-33, and (4) creating a [public employment] labor relations board to administer the provisions of [this chapter.] chapters 89 and 377."

SECTION 3. Section 89-2, Hawaii Revised Statutes, is amended by amending the definitions of "board" and of "certification" to read as follows:

- (3) "Board" means the Hawaii [public employment] labor relations board created pursuant to section 89-5.
- (4) "Certification" means official recognition by the [Hawaii public employment relations] board that the employee organization is, and shall remain, the exclusive representative for all of the employees in an appropriate bargaining unit for the purpose of collective bargaining, until it is replaced by another employee organization, decertified, or [dissolves.] dissolved."

SECTION 4. Section 89-5, Hawaii Revised Statutes, is amended to read as follows:

"§89-5 Hawaii [public employment] labor relations board. (a) There is created a Hawaii [public employment] labor relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairperson, shall be representative of the public. All members shall be appointed by the governor for terms of six years each[, except that the terms of members first appointed shall be for four, five, and six years respectively as designated by the governor at the time of appointments]. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve

as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until his successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms.

The members shall devote full time to their duties as members of the board. [Effective July 1, 1981, the salary of the chairperson of the board shall be \$46,750 a year, and the salary of each of the other members shall be \$44,413 a year.] Effective July 1, 1982, the salary of the chairperson of the board shall be \$47,520 a year, and the salary of each of the other members shall be \$44,550 a year. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during his term.

Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State or the illness of any regular member. An acting member, during his term of service, shall have the same powers and duties as the regular member.

The chairperson of the board shall be responsible for the administrative functions of the board. The board may appoint an executive officer, mediators, members of fact-finding boards, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions, prescribe their duties, and fix their compensation and provide for reimbursement of actual and necessary expenses incurred by them in the performance of their duties within the amounts made available by appropriations therefor. The provisions of section 103-3 notwithstanding, an attorney employed by the board as a full-time staff member may represent the board in litigation, draft legal documents for the board, and provide other necessary legal services to the board and shall not be deemed to be a deputy attorney general.

The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only. The members of the board and employees other than clerical and stenographic employees shall be exempt from chapters 76 and 77. Clerical and stenographic employees shall be appointed in accordance with chapters 76 and 77.

At the close of each fiscal year, the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and their dispositions, and the names, duties, and salaries of its officers and employees. Copies of the report shall be transmitted to the legislative bodies.

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

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

- (3) Establish procedures for, resolve disputes with respect to, and supervise the conduct of, elections for the determination of employee representation;
- (4) Conduct proceedings on complaints of prohibited practices by employers, employees, and employee organizations and take such actions with respect thereto as it deems necessary and proper;
- (5) Hold such hearings and make such inquiries, as it deems necessary, to carry out properly its functions and powers, and for the purpose of such hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate such powers to any member of the board or any person appointed by the board for the performance of its functions;
- (6) Establish, after reviewing nominations submitted by the public employers and employee organizations, lists of qualified persons, broadly representative of the public, to be available to serve as mediators, members of fact-finding boards, or arbitrators;
- (7) Establish daily or hourly rates at which mediators, members of fact-finding boards, and arbitrators serving pursuant to [paragraph (3) of subsection 89-11(b)] section 89-11(b)(3) are to be compensated and apportion the costs of arbitration to the parties involved;
- (8) Conduct studies on problems pertaining to public employee-management relations, and make recommendations with respect thereto to the legislative bodies; request information and data from state and county departments and agencies and employee organizations necessary to carry out its functions and responsibilities; make available to employee organizations, as may exist, mediators, members of fact-finding boards, arbitrators, and other concerned parties statistical data relating to wages, benefits, and employment practices in public and private employment to assist them in resolving issues in negotiations; and
- (9) [Promulgate] Adopt rules [and regulations] relative to the exercise of its powers and authority and to govern the proceedings before it in accordance with chapter 91."

SECTION 5. Section 89-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A public employer shall have the power to enter into written agreement with the exclusive representative of an appropriate bargaining unit setting forth an impasse procedure culminating in a final and binding decision, to be invoked in the event of an impasse over the terms of an initial or renewed agreement. In the absence of such a procedure, either party may request the assistance of the board by submitting to the board and to the other party to the dispute a clear, concise statement of each issue on which an impasse has been reached together with a certificate as to the good faith of the statement and the contents therein. The board, on its own motion, may determine that an impasse exists on any matter in a dispute. If the board determines on its own motion that an impasse exists, it may render assistance by notifying both parties to the dispute of its intent.

The board shall render assistance to resolve the impasse according to the following schedule:

- (1) Mediation. Assist the parties involved<sup>2</sup> in a voluntary resolution of the impasse by appointing a mediator or mediators, representative of the public, from a list of qualified persons maintained by the board, within three days after the date of the impasse, which shall be deemed to be the day on which notification is received or a determination is made that an impasse exists.
- (2) Fact-finding. If the dispute continues fifteen days after the date of the impasse, the board shall appoint, within three days, a fact-finding board of not more than three members, representative of the public, from a list of qualified persons maintained by the board. The fact-finding board, shall, in addition to powers delegated to it by the [public employment relations] board, have the power to make recommendations for the resolution of the dispute. The fact-finding board, acting by a majority of its members, shall transmit its findings of fact and any recommendations for the resolution of the dispute to both parties within ten days after its appointment. If the dispute remains unresolved five days after the transmittal of the findings of fact and any recommendations, the board shall publish the findings of fact and any recommendations for public information if the dispute is not referred to final and binding arbitration.
- (3) Arbitration. If the dispute continues thirty days after the date of the impasse, the parties may mutually agree to submit the remaining differences to arbitration, which shall result in a final and binding decision. The arbitration panel shall consist of three arbitrators, one selected by each party, and the third and impartial arbitrator selected by the other two arbitrators. If either party fails to select an arbitrator or for any reason there is a delay in the naming of an arbitrator, or if the arbitrators fail to select a neutral arbitrator within the time prescribed by the board, the board shall appoint the arbitrator or arbitrators necessary to complete the panel, which shall act with the same force and effect as if the panel has been selected by the parties as described above. The arbitration panel shall take whatever actions necessary, including but not limited to inquiries, investigations, hearings, issuance of subpoenas, and administering oaths, in accordance with procedures prescribed by the board to resolve the impasse. If the dispute remains unresolved within fifty days after the date of the impasse, the arbitration panel shall transmit its findings and its final and binding decision on the dispute to both parties. The parties shall enter into an agreement or take whatever action is necessary to carry out and effectuate the decision. All items requiring any moneys for implementation shall be subject to appropriations by the appropriate legislative bodies, and the employer shall submit all such items agreed to in the course of negotiations within ten days to the appropriate legislative bodies.

The time frame prescribed in the foregoing schedule may be altered by mutual agreement of the parties, subject to the approval of the board.

The costs for mediation and fact-finding shall be borne by the board. All other costs, including that of a neutral arbitrator, shall be borne equally by the parties involved in the dispute."

SECTION 6. Section 89-14, Hawaii Revised Statutes, is amended to read as follows:

**“§89-14 Prevention of prohibited practices.** Any controversy concerning prohibited practices may be submitted to the board in the same manner and with the same effect as provided in section 377-9; provided that the board shall have exclusive original jurisdiction over such a controversy except that nothing herein shall preclude (1) the institution of appropriate proceedings in circuit court pursuant to section 89-12(e) or (2) the judicial review of decisions or orders of the board in prohibited practice controversies in accordance with section 377-9 and chapter 91. All references in section 377-9 to [“board” shall include the Hawaii public employment relations board and] “labor organization” shall include employee organization.”

SECTION 7. Section 89-15, Hawaii Revised Statutes, is amended to read as follows:

**“[ ] §89-15[ ] Financial reports to employees.** Every employee organization shall keep an adequate record of [his] its financial transactions and shall make available annually, to the employees who are members of the organization, within sixty days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by a certified public accountant. In the event of failure of compliance with this section, any employee within the organization may petition the [public employment relations] board for an order compelling such compliance. An order of the board on such petition shall be enforceable in the same manner as other orders of the board under this chapter.”

SECTION 8. Section 89-16, Hawaii Revised Statutes, is amended to read as follows:

**“[ ] §89-16[ ] Public records and proceedings.** The complaints, orders, and testimony relating to a proceeding instituted by the [public employment relations] board under section 377-9 shall be public records and be available for inspection or copying. All proceedings pursuant to section 377-9 shall be open to the public.”

SECTION 9. Section 89-17, Hawaii Revised Statutes, is amended to read as follows:

**“[ ] §89-17[ ] List of employee organizations and exclusive representatives.** The [public employment relations] board shall maintain a list of employee organizations. To be recognized as such and to be included in the list, an organization shall file with the board a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations. No other qualifications for inclusion shall be required, but every employee organization shall notify the board promptly of any change of name or of the name and address of its secretary or other officer to whom notices may be sent, or of its affiliations.

The board shall indicate on the list which employee organizations are exclusive representatives of appropriate bargaining units, the effective dates of their certification, and the effective date and expiration date of any agreement reached between the public employer and the exclusive representative. Copies of the list shall be made available to interested parties upon request.”

SECTION 10. Section 89-18, Hawaii Revised Statutes, is amended to read as follows:

“[ §89-18[ ] ] **Penalty.** Any person who wilfully assaults, resists, prevents, impedes, or interferes with a mediator, member of the fact-finding board, or arbitrator, or any member of the [public employment relations] board or any of the agents or employees of the board in the performance of duties pursuant to this chapter shall be fined not more than \$500 or imprisoned not more than one year, or both.”

SECTION 11. Section 92-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) This part shall not apply:
  - (1) To the judicial branch.
  - (2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes. In the application of this [section,] subsection, boards exercising adjudicatory functions include, but are not limited to, the following:
    - [(i)] (A) Hawaii [Employment] Labor Relations Board, [chapter] chapters 89 and 377;
    - [(ii)] Hawaii Public Employment Relations Board, chapter 89;
    - [(iii)] (B) Labor and Industrial Relations Appeals Board, chapter 371;
    - [(iv)] (C) Hawaii Paroling Authority, chapter 353;
    - [(v)] (D) Civil Service Commission, chapter 26;
    - [(vi)] (E) Board of Trustees, Employees’ Retirement System of the State of Hawaii, chapter 88;
    - [(vii)] (F) Criminal Injuries Compensation Commission, chapter 351; and
    - [(viii)] (G) State Ethics Commission, chapter 84.”

SECTION 12. Section 377-1, Hawaii Revised Statutes, is amended by amending the definition of “board” to read as follows:

- “(10) “Board” means the Hawaii [employment] labor relations board, provided for by sections 26-20, 89-5, and 377-2.”

SECTION 13. Section 377-2, Hawaii Revised Statutes, is amended to read as follows:

“§377-2 Administration by Hawaii [employment] labor relations board. [There shall be within the department of labor and industrial relations a commission to be known as the Hawaii employment relations board. The board shall consist of five members. Two of the members shall be representatives from labor, two from management and one from the public. One labor member and one management member shall be from the city and county of Honolulu, and one labor and one management member shall be from outside the city and county of Honolulu. The director of labor and industrial relations shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the exercise of its powers or duties under the Hawaii employment relations act. The board may appoint a hearings officer or officers as required to perform its responsibilities.

Upon the expiration of the term of each member, his successor shall be appointed for a term to expire four years from the date of the expiration of the preceding term. Any vacancy in the board occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term. Members shall be eligible for reappointment. The governor shall designate



the public member to serve as chairman. Each member shall take and file the official oath. Each member of the board shall be paid compensation for his services at the rate of \$15 a day for each day's performance upon his duties of the work of the board. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board and three members of the board shall constitute a quorum, but the governor may appoint a temporary alternate to act in the place of any member who is ill, absent, or for any other reason unable to attend.] The Hawaii labor relations board provided for in chapter 89 shall administer the Hawaii employment relations act.

The board shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the word "Hawaii [Employment] Labor Relations Board-Seal".

[The board shall employ, on a part-time basis, qualified attorneys who are licensed to practice in all the courts of the State to serve as its hearings officers, at its pleasure, and shall not be subject to the civil service laws of the State. It shall also fix the compensation of the employees. Such part-time employment may be temporary or permanent, but in no case shall any such person be employed on less than one-half time basis.

The board may also in conformity with section 103-3 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 and represent the board in any case in court. The appointment of persons as counsel shall not be subject to the civil service laws of this State.

The board may employ, promote, and remove an executive secretary on a full-time basis without regard to chapters 76 and 77. The board may also employ, promote, and remove 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, then the board may employ and fix the compensation of the person to fill any of the positions from time to time on either a part-time or temporary basis without regard to chapters 76 and 77.

The reasonable and necessary traveling and other expenses of the board and employees thereof, while actually engaged in the performance of their duties shall be paid from the state treasury upon the audit and warrant of the director of finance, upon vouchers signed by the chairman, or any three members, of the board.

At the close of each fiscal year the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and its disposition of the same, and the names, duties, and salaries of its officers and employees.]"

SECTION 14. Section 377-3, Hawaii Revised Statutes, is amended to read as follows:

"§377-3 Conciliator. In the event the [employment relations] board receives information that a labor dispute exists and determines that the dispute is within its jurisdiction and that the possibility of settlement and termination of the dispute may be increased by conciliation, the board shall so notify the governor. Upon receipt of the notice, the governor shall appoint, as conciliator with respect to the dispute, a person who is well known in the community as being impartial to both labor and industry, and shall so notify the board. The position of conciliator shall not be subject to chapter 76, but the compensation thereof shall be determined pursuant to chapter 77.

Upon receipt of notice of the appointment of a conciliator, the board shall forthwith refer the dispute to the conciliator. He shall use his best efforts to terminate the dispute by conciliation within the ten days immediately succeeding the reference of the dispute to him or within such additional time, not to exceed ten days, as is agreed upon by all parties to the dispute. If, within the ten days, or the additional time, if any, he succeeds in terminating the dispute by conciliation, he shall immediately certify such fact to the board and his appointment shall then end. If, within the ten days, or the additional time, if any, he fails to terminate the dispute by conciliation, he shall immediately certify such fact to the board and his appointment shall then end. Upon<sup>1</sup> termination of the appointment of the conciliator, the board shall so notify the governor."

SECTION 15. Section 377-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Whenever a question arises concerning the determination of a collective bargaining unit as defined in section 377-1, the [employment relations] board, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this chapter, shall conduct an appropriate hearing upon due notice and it shall decide in each case the unit appropriate for the purpose of collective bargaining."

SECTION 16. Section 377-6, Hawaii Revised Statutes, is amended to read as follows:

**"§377-6 Unfair labor practices of employers.** It shall be an unfair labor practice for an employer individually or in concert with others:

- (1) To interfere with, restrain, or coerce his employees in the exercise of the rights guaranteed in section 377-4;
- (2) To initiate, create, dominate, or interfere with the formation or administration of any labor organization or contribute financial support to it, but an employer shall not be prohibited from reimbursing employees at their prevailing wage rate for time spent conferring with him, nor from cooperating with representatives of at least a majority of his employees in a collective bargaining unit, at their request, by permitting employee organizational activities on employer premises or the use of employer facilities where the activities or use create no additional expense to the employer;
- (3) To encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment. An employer, however, may enter into an all-union agreement with the bargaining representative of his employees in a collective bargaining unit, unless the [employment relations] board has certified that at least a majority of the employees have voted to rescind the authority of their bargaining representative to negotiate such all-union agreement within one year preceding the date of the agreement. No employer shall justify any discrimination against any employee for nonmembership in a labor organization if he has reasonable grounds for believing that:
  - (A) Such membership was not available to the employee on the same terms and conditions generally applicable to other members;
  - (B) Or that membership was denied or terminated for reasons other than the failure of the employee to tender periodic dues

- and the initiation fees uniformly required as a condition for acquiring or retaining membership;
- (4) To refuse to bargain collectively with the representative of a majority of his employees in any collective bargaining unit provided that if the employer has good faith doubt that a union represents a majority of the employees, he may file a representation petition for an election and shall not be deemed guilty of refusal to bargain;
  - (5) To bargain collectively with the representatives of less than a majority of his employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in paragraph (3) [of this section];
  - (6) To violate the terms of a collective bargaining agreement;
  - (7) To refuse or fail to recognize or accept as conclusive of any issue in any controversy as to employment relations the final determination of the board or of any tribunal of competent jurisdiction;
  - (8) To discharge or otherwise discriminate against an employee because he has filed charges or given information or testimony under the provisions of this chapter;
  - (9) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally;
  - (10) To employ any person to spy upon employees or their representatives respecting their exercise of any right created or approved by this chapter;
  - (11) To make, circulate, or cause to be circulated a blacklist."

SECTION 17. Section 377-7, Hawaii Revised Statutes, is amended to read as follows:

**"§377-7 Unfair labor practices of employees.** It shall be an unfair labor practice for an employee individually or in concert with others:

- (1) To coerce or intimidate an employee in the enjoyment of his legal rights, including those guaranteed in section 377-4;
- (2) To coerce, intimidate, or induce any employer to interfere with any of his employees in the enjoyment of their legal rights, including those guaranteed in section 377-4, or to engage in any practice with regard to his employees which would constitute an unfair labor practice if undertaken by him on his own initiative;
- (3) To violate the terms of a collective bargaining agreement;
- (4) To refuse or fail to recognize or accept as conclusive of any issue in any controversy as to employment relations the final determination of the [employment relations] board or of any tribunal of competent jurisdiction;
- (5) To cooperate in engaging in, promoting, or inducing picketing (not constituting an exercise of constitutionally guaranteed freedom of speech), boycotting or any other overt act accompanying a strike unless a majority in a collective bargaining unit of the employees of an employer against whom such acts are primarily directed have voted by secret ballot to call a strike;
- (6) To hinder or prevent, by mass picketing, threats, intimidation, force, or coercion of any kind the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment, or to obstruct or interfere with free

- and uninterrupted use of public roads, streets, highways, railways, airports, or other ways of travel or conveyance;
- (7) To engage in a secondary boycott; or to hinder or prevent by threats, intimidation, force, coercion, or sabotage, the obtaining, use, or disposition of materials, equipment, or services; or to combine or conspire to hinder or prevent, by any means whatsoever, the obtaining, use, or disposition of materials, equipment, or service. Nothing herein shall prevent sympathetic strikes in support of those in similar occupations working for other employers in the same craft;
  - (8) To take unauthorized possession of property of the employer or to engage in any concerted effort to interfere with production except by leaving the premises in an orderly manner for the purpose of going on strike;
  - (9) To fail to give the notice of intention to strike provided in section 377-12."

SECTION 18. Section 377-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any controversy concerning unfair labor practices may be submitted to the [employment relations] board in the manner and with the effect provided in this chapter, but nothing herein shall prevent the pursuit of relief in courts of competent jurisdiction."

SECTION 19. Section 377-10, Hawaii Revised Statutes, is amended to read as follows:

"§377-10 **Financial reports to employees.** Every person acting as the representative of employees for collective bargaining shall keep an adequate record of his financial transactions and shall present annually, to such employees as may be members of the association with which the representative is connected, within sixty days after the end of his fiscal year a detailed written financial report thereof in the form of a balance sheet and an operating statement. In the event of failure of compliance with this section, any such employee may petition the [employment relations] board for an order compelling such compliance. An order of the board on such petition shall be enforceable in the same manner as other orders of the board under this chapter."

SECTION 20. Section 377-11, Hawaii Revised Statutes, is amended to read as follows:

"§377-11 **Rules [and regulations].** The [employment relations] board may adopt rules [and regulations] relative to the exercise of its powers and authority and to govern the proceedings before it in accordance with chapter 91."

SECTION 21. Section 377-12, Hawaii Revised Statutes, is amended to read as follows:

"§377-12 **Strike notice.** Where the exercise of the right to strike by employees of any employer engaged in the State in the production, harvesting, or initial processing of any farm, agricultural, or dairy product produced in the State would tend to cause the destruction or serious deterioration of the product, such employees shall give to the [employment relations] board at least ten days' notice of their intention to strike, and the board shall immediately advise the employer of the notice."

SECTION 22. Section 377-13, Hawaii Revised Statutes, is amended to read as follows:

**“§377-13 Public records and proceedings.** The complaints, orders, and testimony relating to a proceeding instituted by the [employment relations] board under section 377-9 shall be public records and be available for inspection or copying. All proceedings pursuant to section 377-9 shall be open to the public.”

SECTION 23. Section 377-14, Hawaii Revised Statutes, is amended to read as follows:

**“§377-14 List of labor organizations.** The [employment relations] board shall maintain a list of labor organizations. To be recognized as such and to be included in the list, an organization shall file with the board a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations. No other qualifications for inclusion shall be required, but every labor organization shall notify the board promptly of any change of name, or of the name and address of its secretary or other officer to whom notices may be sent, or of its affiliations.”

SECTION 24. Section 377-15, Hawaii Revised Statutes, is amended to read as follows:

**“§377-15 Penalty.** Any person who wilfully assaults, resists, prevents, impedes, or interferes with the conciliator or any member of the [employment relations] board or any of the agents or agencies of either in the performance of duties pursuant to this chapter shall be fined not more than \$500 or imprisoned not more than one year, or both.”

SECTION 25. Section 377-18, Hawaii Revised Statutes, is amended to read as follows:

**“§377-18 Cooperation with National Labor Relations Board.** The conciliator and the [employment relations] board shall cooperate with the National Labor Relations Board and its agents and representatives.”

SECTION 26. Section 380-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**“(a)** When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Hawaii [employment] labor relations board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by this chapter.”

SECTION 27. The existing chairperson and members of the Hawaii public employment relations board shall constitute the membership of the Hawaii labor relations board in their respective capacities. Their respective terms of office shall continue in accordance with their existing appointments.

SECTION 28. The existing administrative rules promulgated by the Hawaii public employment relations board and the Hawaii employment relations board shall continue in full force and effect until superseded by the rules promulgated by the Hawaii labor relations board.

SECTION 29. Statutory material to be repealed is bracketed. New statutory material is underscored.

**SECTION 30.** This Act shall take effect on January 1, 1986.

(Approved June 5, 1985.)

**Notes**

1. Word or words are missing.
2. Underscoring is missing.