

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO LABOR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that initially, the  
2 Hawaii labor relations board, and its predecessor the Hawaii  
3 public employment relations board, were designed by the  
4 legislature to have individuals hold the offices of board  
5 members for continuous terms in order to have cumulative  
6 experience and continuity in offices. The statutory language in  
7 chapter 89, Hawaii Revised Statutes, reflects this intent.  
8 Initially, the Hawaii public employment relations board members  
9 were appointed and reappointed to reflect this statutory  
10 structure for cumulative experience and continuity in office.  
11 However, recently, the appointments to the Hawaii labor  
12 relations board have not reflected this statutory intent to  
13 support cumulative experience and continuity in office. The  
14 legislature further finds that in order to remedy this  
15 situation, the following amendments to chapter 89, Hawaii  
16 Revised Statutes, are being enacted.



1 SECTION 2. Section 89-5, Hawaii Revised Statutes, is  
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) The board shall be composed of three members of which  
4 (1) one member shall be representative of management, (2) one  
5 member shall be representative of labor, and (3) the third  
6 member, the chairperson, shall be representative of the public.

7 All members shall be appointed by the governor [~~for terms of six~~  
8 ~~years each~~]. Public employers shall submit to the governor

9 names of persons from which to select the individual who shall  
10 serve as the member who shall be representative of management;

11 provided that the governor shall select the representative of  
12 management only from those names submitted by public employers.

13 Employee organizations representing public employees shall

14 submit to the governor names of persons from which to select the  
15 individual who shall serve as the member who shall be

16 representative of labor; provided that the governor shall select  
17 the representative of labor only from those names submitted by

18 employee organizations representing public employees. Public  
19 employers and employee organizations representing public

20 employees [~~may~~] shall jointly meet and submit to the governor

21 [~~for consideration~~] names of persons [~~to serve as members of the~~  
22 ~~board and the governor shall first consider these persons in~~



1 ~~selecting the members of the board.]~~ that have been jointly  
2 agreed upon by at least sixty per cent of the public employers  
3 and sixty per cent of the employee organizations who are the  
4 exclusive representatives of the bargaining units set forth in  
5 section 89-6(a), with each exclusive representative having one  
6 vote per bargaining unit that it has been certified by the board  
7 to represent; provided that the governor shall select the public  
8 member only from those names that were jointly submitted in the  
9 foregoing manner by the public employers and employee  
10 organizations representing public employees.

11 (c) Each member shall hold office until the member's  
12 successor is appointed and qualified. Because cumulative  
13 experience and continuity in office are essential to the proper  
14 administration of this chapter, it is declared to be in the  
15 public interest to continue board members in office as long as  
16 efficiency is demonstrated, notwithstanding the provision of  
17 section 26-34, which limits the appointment of a member of a  
18 board or commission to two terms. Board members shall hold  
19 office without specific term limits; provided that the board  
20 members continue to demonstrate good behavior and shall be  
21 involuntarily removed only in the manner prescribed for the



1 removal of judges as set forth in article VI, section 5 of the  
2 state constitution."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Clerena K. Nishihara B/R



**Report Title:**

Hawaii Labor Relations Board; Membership

**Description:**

Requires the governor to appoint the members of the Hawaii labor relations board based on recommendations from public employers and employee organizations; removes term limits; and provides for removal procedures.

