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# A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

**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 (e) to read as follows:

3           "(e) Any action taken by the board shall be by a simple  
4 majority of the members of the board. All decisions of the  
5 board shall be reduced to writing and shall state separately its  
6 finding of fact and conclusions. Any vacancy in the board shall  
7 not impair the authority of the remaining members to exercise  
8 all the powers of the board. The governor may appoint an acting  
9 member of the board during the temporary absence from the State  
10 [~~or the~~], temporary inability to act due to recusal, or illness  
11 of any regular member. An acting member, during the acting  
12 member's term of service, shall have the same powers and duties  
13 as the regular member[-]; provided that:

14           (1) If the regular member is the representative of  
15           management or labor, then employee organizations  
16           representing public employees may submit to the  
17           governor for consideration names of persons to serve



1           as an acting member and the governor shall first  
2           consider these persons in selecting an acting member;

3       (2) If the regular member is the representative of  
4           management, then public employers may submit to the  
5           governor for consideration names of persons to serve  
6           as an acting member and the governor shall first  
7           consider these persons in selecting an acting member;

8       (3) Subsection (d) shall not apply to an acting member;  
9           and

10       (4) An acting member appointed due to a regular member's  
11           recusal shall be appointed for the case in which the  
12           recusal occurred, and the acting member's appointment  
13           shall terminate when the final decision is filed or  
14           the case is withdrawn."

15           SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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



**Report Title:**

Hawaii Labor Relations Board; Temporary Member

**Description:**

Authorizes the governor to appoint an acting member of the Hawaii Labor Relations Board if a regular member is temporarily unable to act due to absence from the state, recusal, or illness. Requires the governor to first consider persons to serve as acting members from a list of names submitted by employee organizations if the regular member is the representative of management or labor and by public employers if the regular member is the representative of management. Clarifies that an acting member shall be appointed for the case in which the recusal occurred, and that the acting member's appointment shall terminate when the final decision is filed or the case is withdrawn. (CD1)

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