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**STATE OF HAWAII**  
**HAWAII LABOR RELATIONS BOARD**  
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April 2, 2013

To: The Honorable Mark M. Nakashima, Chair,  
The Honorable Mark J. Hashem Vice Chair,  
Members of the House Committee on Labor & Public Employment

Date: Wednesday, April 3, 2013  
Time: 11:30 a.m.  
Place: Conference Room 309, State Capitol

From: Sesnita Moepono, Board Member  
Hawaii Labor Relations Board (Board)

**Re: S.B. No. 890, S.D. 1 Relating to Collective Bargaining**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The bill allows the Governor to appoint an acting member when a regular member is temporarily recused from a case. The acting member's appointment shall be for the duration of the case in which the recusal occurred.

**II. CURRENT LAW**

Current law does not provide for a replacement when a Board Member is recused from a case.

**III. COMMENTS ON THE BILL**

The HLRB supports this bill.

A majority vote of two is required statutorily for all Board actions. The bill will prevent situations where, one member is recused, the remaining members cannot agree and the Board is deadlocked and unable to act.

Mahalo nui loa for giving the Board the opportunity to testify on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

S.B. NO., S.D. 1, RELATING TO THE HAWAII LABOR RELATIONS BOARD.

**BEFORE THE:**

HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

**DATE:** Wednesday, April 3, 2013

**TIME:** 11:30 a.m.

**LOCATION:** State Capitol, Room 309

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Jim Halvorson

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Chair Nakashima and Members of the Committee:

The Attorney General supports this bill.

The purpose of this bill is to allow the Governor to appoint an acting member of the Hawaii Labor Relations Board (Board) in the event that a Board member is unable to act upon a matter for a reason such as recusal.

Pursuant to section 89-5, Hawaii Revised Statutes, there are three members of the Board and any action taken by the Board shall be by simple majority.

In the event where one Board member recuses himself or herself, and the remaining two Board members cannot agree, the Board may be deadlocked and unable to act.

We respectfully ask the Committee to pass this bill as amended by S.D. 1.