
A BILL FOR AN ACT

RELATING TO 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 as follows:

3 1. By amending subsection (b) to read:

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

8 All members shall be appointed [~~by the governor~~] for terms of
9 six years each[~~.—Public employers and employee organizations~~
10 ~~representing public employees may submit to the governor for~~
11 ~~consideration names of persons to serve as members of the board~~
12 ~~and the governor shall first consider these persons in selecting~~
13 ~~the members of the board.~~] in accordance with the following
14 procedures:

15 (1) The representative of management shall be appointed by
16 the governor, who may first consider any names
17 submitted by the counties; provided that each county
18 may submit no more than one name;



1 (2) The representative of labor shall be appointed by the
2 governor from a list of three nominees submitted by
3 mutual agreement from a majority of the exclusive
4 representatives; and

5 (3) The representative of the public shall be appointed by
6 the governor."

7 2. By amending subsection (e) to read:

8 "(e) Any action taken by the board shall be by a simple
9 majority of the members of the board. All decisions of the
10 board shall be reduced to writing and shall state separately its
11 finding of fact and conclusions. Any vacancy in the board shall
12 not impair the authority of the remaining members to exercise
13 all the powers of the board. The governor may appoint an acting
14 member of the board in accordance with the procedures
15 established in subsection (b) during the temporary absence from
16 the State, temporary inability to act due to recusal, or illness
17 of any regular member. An acting member, during the acting
18 member's term of service, shall have the same powers and duties
19 as the regular member; provided that[+]

20 ~~(1) If the regular member is the representative of~~
21 ~~management or labor, then employee organizations~~
22 ~~representing public employees may submit to the~~



1 ~~governor for consideration names of persons to serve~~
2 ~~as an acting member and the governor shall first~~
3 ~~consider these persons in selecting an acting member;~~

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

9 ~~(3) Subsection] subsection~~ (d) shall not apply to an
10 acting member[+] and

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

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

18 SECTION 3. This Act shall take effect upon its approval,
19 and apply to appointments to the Hawaii labor relations board
20 occurring after the effective date of this Act.



Report Title:

Hawaii Labor Relations Board; Member Selection

Description:

Amends the procedures by which regular and acting members of the Hawaii labor relations board are appointed by requiring the governor to appoint the representative of the public; the representative of management, after first considering, if the governor chooses to consider, a list of nominees submitted by the counties; and the representative of labor from a list submitted by mutual agreement from a majority of the exclusive representatives. (SD1)

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