



**GOV. MSG. NO. 1293**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 1, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 1, 2016, the following bill was signed into law:

SB2896 SD1 HD2 CD1

RELATING TO THE PREVENTION OF UNFAIR  
LABOR PRACTICES  
**ACT 191 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on JUL 1 2016  
THE SENATE  
TWENTY-EIGHTH LEGISLATURE, 2016  
STATE OF HAWAII

ACT 191  
S.B. NO. 2896  
S.D. 1  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES.

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

1 SECTION 1. Section 377-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:  
3 "(b) Any party in interest may file with the board a  
4 written complaint, on a form provided by the board, charging any  
5 person with having engaged in any specific unfair labor  
6 practice. The board shall serve or require the complainant to  
7 serve a copy of the complaint upon the person charged,  
8 hereinafter referred to as the respondent. If the board has  
9 reasonable cause to believe that the respondent is a member of  
10 or represented by a labor union, then service upon an officer of  
11 the union shall be deemed to be service upon the respondent.  
12 Service may be by delivery to the person, or by mail or [~~by~~  
13 ~~telegram.~~] electronic service through a company designated by  
14 the board, to the person's last known address. Any other person  
15 claiming interest in the dispute or controversy, as an employer,  
16 an employee or their representative, shall be made a party upon  
17 proof of the interest. The board may bring in additional  
18 parties by service of a copy of the complaint. Only one



1 complaint shall issue against a person with respect to a single  
2 controversy, but any complaint may be amended in the discretion  
3 of the board at any time prior to the issuance of a final order  
4 based thereon. The respondent may file an answer to the  
5 original or amended complaint but the board may find to be true  
6 any allegation in the complaint in the event either no answer is  
7 filed or the answer neither specifically denies nor explains the  
8 allegation nor states that the respondent is without knowledge  
9 concerning the allegation. The respondent shall have the right  
10 to appear in person or otherwise give testimony at the place and  
11 time fixed in the notice of hearing. The hearing on the  
12 complaint shall be before either the board or a hearings officer  
13 of the board, as the board may determine.

14 The board shall fix a time for the hearing on the  
15 complaint, which shall be not less than ten nor more than forty  
16 days after the filing of the complaint or amendment thereof [~~7~~  
17 ~~and notice shall be given to each party by service on the party~~  
18 ~~personally or by mailing a copy thereof to the party at the~~  
19 ~~party's last known post office address at least ten days before~~  
20 ~~the hearing]~~. Notwithstanding section 91-9.5, in any hearing  
21 conducted by the board, all parties shall be given written



1 notice of the hearing by first class mail or by electronic  
2 service through a company designated by the board at least  
3 fifteen days before the scheduled date of the hearing. In case  
4 a party in interest is located without the State and has no  
5 known [~~post-office~~] address within the State[-] and no known  
6 electronic mail address, a copy of the complaint and copies of  
7 all notices shall be filed in the office of the lieutenant  
8 governor and shall also be sent by [~~registered~~] first class mail  
9 to the last known [~~post-office~~] address of the party. Such  
10 filing and mailing shall constitute sufficient service with the  
11 same force and effect as if served upon a party located within  
12 the State. The hearing may be adjourned from time to time in  
13 the discretion of the board and hearings may be held at such  
14 places as the board shall designate.

15 In all proceedings under this chapter before the board,  
16 each member of the board may issue subpoenas and administer  
17 oaths. Depositions may be taken in the manner prescribed by  
18 law. No person shall be excused from attending and testifying  
19 or from producing books, records, correspondence, documents, or  
20 other evidence in obedience to the subpoena on the ground that  
21 the testimony or evidence required of the person may tend to



1 incriminate the person or subject the person to a penalty or  
2 forfeiture under the laws of the State, but such person shall  
3 not be prosecuted or subjected to any penalty or forfeiture for  
4 or on account of any transaction, matter, or thing concerning  
5 which the person may testify or produce evidence, documentary or  
6 otherwise, in such proceedings. Such person so testifying shall  
7 not be exempt, however, from prosecution and punishment for  
8 perjury committed in so testifying.

9 Any person who wilfully and unlawfully fails or neglects to  
10 appear or to testify or to produce books, papers, and records as  
11 required, shall, upon application to a circuit judge, be ordered  
12 to appear before the board, [~~there to testify or produce~~  
13 ~~evidence if so ordered,~~] and failure to obey the order may be  
14 punished as a contempt of court.

15 Each witness who appears before the board by subpoena shall  
16 receive for the witness' attendance the fees and mileage  
17 provided for witnesses in civil cases in courts of record, which  
18 shall be audited and paid by the State in the same manner as  
19 other expenses are audited and paid, upon the presentation of  
20 properly verified vouchers approved by the board."



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

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

APPROVED this 1 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII