

HB 981

RELATING TO THE HAWAII LABOR
RELATIONS BOARD.

LAB, JUD

HB981



Submit Testimony

Measure Title: RELATING TO THE HAWAII LABOR RELATIONS BOARD.

Report Title: Hawaii Labor Relations Board; Decisions and Orders; Public Collective Bargaining; Hawaii Employment Relations Act; Occupational Safety and Health

Description: Allows the Hawaii labor relations board to request the parties appearing before the board to draft decisions and orders to enable a quicker process to resolve cases.

Companion:

Package: None

Current Referral: LAB, JUD

Introducer(s): SOUKI (Introduced by request of another party)

<u>Sort by Date</u>		Status Text
1/23/2017	H	Pending introduction.
1/25/2017	H	Pass First Reading
1/27/2017	H	Referred to LAB, JUD, referral sheet 4
2/6/2017	H	Bill scheduled to be heard by LAB on Thursday, 02-09-17 10:00AM in House conference room 309.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

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. Chapter 89, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§89- Decisions and orders. (a) The board may require
5 the prevailing party in a hearing to submit to the board
6 proposed findings of fact and conclusions of law, in a form
7 approved by the opposing parties, within fourteen days, unless
8 such time is extended by the board. If the form of the proposed
9 findings of fact and conclusions of law has not been approved,
10 the prevailing party shall serve a copy of the proposed findings
11 and conclusions to each party who has appeared in the action and
12 deliver the original to the board. Within seven days of receipt
13 of the prevailing party's proposed findings and conclusions, an
14 opposing party may serve and deliver to the prevailing party and
15 the board the opposing party's objections and a copy of its
16 proposed findings and conclusions. The board shall determine
17 the findings of fact and conclusions of law to be entered.



1 If after the conclusion of all testimony in the case, and
2 after the submission thereof, the board does not indicate which
3 party has prevailed in the action, the board may order any one
4 or more of the parties involved to submit proposed findings of
5 fact and conclusions of law.

6 (b) Whenever the board proposes to file a written decision
7 on any motion or issue of law, it may at any time order one or
8 more of the parties to submit to the board and serve all parties
9 a draft decision within fourteen days of the order. The board
10 shall advise all parties of its action. The opposing parties
11 shall have seven days to present comments with respect to the
12 draft decision to the board and serve them on the drafting
13 party. The failure of any party to submit comments with respect
14 to any draft shall not affect the right of that party to appeal
15 from any judgment incorporated in or based on the decision as
16 issued."

17 SECTION 2. Chapter 377, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§377- Decisions and orders. (a) The board may require
21 the prevailing party in a hearing to submit to the board



1 proposed findings of fact and conclusions of law, in a form
2 approved by the opposing parties, within fourteen days, unless
3 such time is extended by the board. If the form of the proposed
4 findings of fact and conclusions of law has not been approved,
5 the prevailing party shall serve a copy of the proposed findings
6 and conclusions to each party who has appeared in the action and
7 deliver the original to the board. Within seven days of receipt
8 of the prevailing party's proposed findings and conclusions, an
9 opposing party may serve and deliver to the prevailing party and
10 the board the opposing party's objections and a copy of its
11 proposed findings and conclusions. The board shall determine
12 the findings of fact and conclusions of law to be entered.

13 If after the conclusion of all testimony in the case, and
14 after the submission thereof, the board does not indicate which
15 party has prevailed in the action, the board may order any one
16 or more of the parties involved to submit proposed findings of
17 fact and conclusions of law.

18 (b) Whenever the board proposes to file a written decision
19 on any motion or issue of law, it may at any time order one or
20 more of the parties to submit to the board and serve all parties
21 a draft decision within fourteen days of the order. The board



1 shall advise all parties of its action. The opposing parties
2 shall have seven days to present comments with respect to the
3 draft decision to the board and serve them on the drafting
4 party. The failure of any party to submit comments with respect
5 to any draft shall not affect the right of that party to appeal
6 from any judgment incorporated in or based on the decision as
7 issued."

8 SECTION 3. Chapter 396, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§396- Decisions and orders. (a) The appeals board may
12 require the prevailing party in a hearing to submit to the
13 appeals board proposed findings of fact and conclusions of law,
14 in a form approved by the opposing parties, within fourteen
15 days, unless such time is extended by the appeals board. If the
16 form of the proposed findings of fact and conclusions of law has
17 not been approved, the prevailing party shall serve a copy of
18 the proposed findings and conclusions to each party who has
19 appeared in the action and deliver the original to the appeals
20 board. Within seven days of receipt of the prevailing party's
21 proposed findings and conclusions, an opposing party may serve



1 and deliver to the prevailing party and the appeals board the
2 opposing party's objections and a copy of its proposed findings
3 and conclusions. The appeals board shall determine the findings
4 of fact and conclusions of law to be entered.

5 If after the conclusion of all testimony in the case, and
6 after the submission thereof, the appeals board does not
7 indicate which party has prevailed in the action, the appeals
8 board may order any one or more of the parties involved to
9 submit proposed findings of fact and conclusions of law.

10 (b) Whenever the appeals board proposes to file a written
11 decision on any motion or issue of law, it may at any time order
12 one or more of the parties to submit to the appeals board and
13 serve all parties a draft decision within fourteen days of the
14 order. The appeals board shall advise all parties of its
15 action. The opposing parties shall have seven days to present
16 comments with respect to the draft decision to the appeals board
17 and serve them on the drafting party. The failure of any party
18 to submit comments with respect to any draft shall not affect
19 the right of that party to appeal from any judgment incorporated
20 in or based on the decision as issued."

21 SECTION 4. New statutory material is underscored.

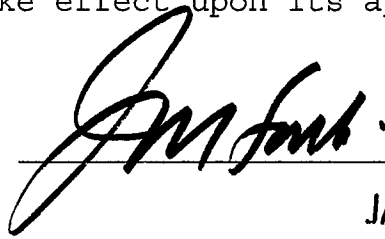


H.B. NO. 981

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

2

INTRODUCED BY:



JAN 23 2017



H.B. NO. 981

Report Title:

Hawaii Labor Relations Board; Decisions and Orders; Public Collective Bargaining; Hawaii Employment Relations Act; Occupational Safety and Health

Description:

Allows the Hawaii labor relations board to request the parties appearing before the board to draft decisions and orders to enable a quicker process to resolve cases.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



holt1 - Joyleanne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:28 PM
To: LABtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB981 on Feb 9, 2017 10:00AM*

HB981

Submitted on: 2/6/2017

Testimony for LAB on Feb 9, 2017 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB 981

Late testimony

LATE

LATE

LATE

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR

LINDA CHU TAKAYAMA
DIRECTOR, DLIR

LEONARD HOSHIJO
DEPUTY DIRECTOR, DLIR



(VACANT)
CHAIR

SESNITA A.D. MOEPONO
BOARD MEMBER

J N. MUSTO
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February 8, 2017

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Thursday, February 9, 2017
Time: 10:00 a.m.
Place: Conference Room 309, State Capitol

From: Hawaii Labor Relations Board
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 981 Relating to The Hawaii Labor Relations Board

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal seeks to amend chapters 89, 377 and 396, Hawaii Revised Statutes (HRS), by adding new permissive language to allow the Hawaii Labor Relations Board (Board) to request a party or parties to prepare an Order or Decision/Order.

II. CURRENT LAW

Current law in chapter 89, 377 and 396, HRS is silent on this action.

III. COMMENTS ON THE HOUSE BILL

H.B. 981 is similar to H.B. 1206 which we have submitted testimony supporting its passage with minor amendments. Therefore, HLRB prefers the passage of H.B. 1206.

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