

STAND. COM. REP. NO. 3383

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1789
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred H.B. No. 1789, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the representative of labor on the Hawaii Labor Relations Board to be a person whose name has been selected by a simple majority of the exclusive representatives of the collective bargaining units and submitted to the Governor for appointment;
- (2) Require the Governor to submit the name of the nominee to the Senate for advice and consent no later than twenty days after the exclusive representatives' submittal of the nominee's name to the Governor; and
- (3) Provide that if the Governor fails to do so, that the exclusive representatives who recommended the nominee shall transmit the nominee's name directly to the Senate for confirmation.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local



152, AFL-CIO; State of Hawaii Organization of Police Officers; Hawaii State Teachers Association; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committee received testimony in opposition to this measure from the Office of Collective Bargaining. Your Committee received comments on this measure from the Hawai'i Labor Relations Board.

Your Committee finds that the Hawaii Labor Relations Board is a quasi-judicial board that ensures that collective bargaining is conducted in accordance with law, with jurisdiction over state public sector collective bargaining, state private sector collective bargaining, and cases pertaining to state occupational safety and health citations and whistleblower discrimination claims. The Board consists of three members who represent three distinct interests--the Chair, who is the representative of the public, one member who is a representative of management, and another member who is a representative of labor. Under existing law, the representative of management is appointed by the Governor, who may first consider any names submitted by the counties. The representative of labor is appointed by the Governor from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives of the collective bargaining units. As for the Board Chair, the Governor's selection is not limited to names submitted by other parties.

Your Committee acknowledges the testimonies of numerous labor unions supporting this measure on the grounds that the existing appointment process for the representative of labor gives the Governor too much authority over a quasi-judicial body that adjudicates disputes in which the Governor, serving as the employer, would often be involved as a party.

This measure will allow the collective bargaining units to select their representative on the Hawaii Labor Relations Board by a simple majority of their exclusive representatives.

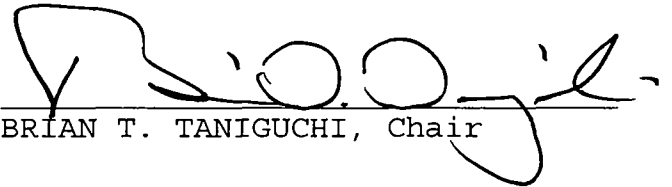
Accordingly, your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1789, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1789, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,

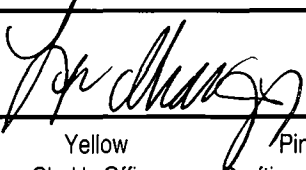


BRIAN T. TANIGUCHI, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1789, HD2</i>	<i>LCA, JDC</i>	<i>3/16/2022</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)		✓		
CHANG, Stanley	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	<i>4</i>	<i>1</i>	<i>0</i>	<i>0</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes