

JAN 19 2024

A BILL FOR AN ACT

RELATING TO LEGISLATIVE EMPLOYEES.

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

1 SECTION 1. The legislature finds that, pursuant to chapter
2 89, Hawaii Revised Statutes, joint decision making is the modern
3 way of administering government. When public employees are
4 granted the right to share in the decision-making process
5 affecting wages and working conditions, they are more responsive
6 and better able to exchange ideas and information on operations
7 with their administrators. Accordingly, government is made more
8 effective. The legislature also declares that it is the public
9 policy of the State to promote harmonious and cooperative
10 relations between government and its employees and to protect
11 the public by assuring effective and orderly operations of
12 government.

13 The legislature further finds that, pursuant to chapter 22,
14 Hawaii Revised Statutes, each house of the legislature may, by
15 appropriate rules, provide for permanent professional staffing
16 for each respective house. Persons appointed shall perform and
17 observe duties and responsibilities as may be assigned to them,



1 and they may be called to assist in the development and
2 formulation of policy. Persons appointed by each respective
3 house may, if so determined, serve as staff to committees during
4 the interim and during the regular sessions. Persons shall be
5 appointed, removed, and compensated as provided in rules of the
6 respective houses. The members of the permanent staff shall be
7 entitled to every state employee benefit and privilege.

8 The legislature further finds that persons in public
9 employment have a constitutional right to organize for the
10 purpose of collective bargaining pursuant to article XIII,
11 section 2, of the Hawaii State Constitution. The legislature
12 enacted chapter 89, Hawaii Revised Statutes, to govern the
13 collective bargaining process. While most public employees
14 enjoy the rights, benefits, and privilege of the constitutional
15 right to collective bargaining, legislative staff at the Hawaii
16 State Legislature are excluded from protections of article XIII.

17 Accordingly, the purpose of this Act is to repeal the
18 exclusion of legislative staff from chapter 89, Hawaii Revised
19 Statutes.

20 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
21 amended as follows:



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1 1. By amending subsection (d) to read:

2 (d) For the purpose of negotiating a collective bargaining
3 agreement, the public employer of an appropriate bargaining unit
4 shall mean the governor together with the following employers:

5 (1) For bargaining units (1), (2), (3), (4), (9), (10),
6 (13), (14), and (15), the governor shall have six
7 votes and the mayors, the chief justice, the president
8 of the senate, the speaker of the house of
9 representatives, and the Hawaii health systems
10 corporation board shall each have one vote if they
11 have employees in the particular bargaining unit;

12 (2) For bargaining units (11) and (12), the governor shall
13 have four votes and the mayors shall each have one
14 vote;

15 (3) For bargaining units (5) and (6), the governor shall
16 have three votes, the board of education shall have
17 two votes, and the superintendent of education shall
18 have one vote; and

19 (4) For bargaining units (7) and (8), the governor shall
20 have three votes, the board of regents of the
21 University of Hawaii shall have two votes, and the



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1 president of the University of Hawaii shall have one
2 vote.

3 Any decision to be reached by the applicable employer group
4 shall be on the basis of simple majority, except when a
5 bargaining unit includes county employees from more than one
6 county. In that case, the simple majority shall include at
7 least one county."

8 2. By amending subsection (f) to read:

9 "(f) The following individuals shall not be included in
10 any appropriate bargaining unit or be entitled to coverage under
11 this chapter:

12 (1) Elected or appointed official;

13 (2) Member of any board or commission; provided that
14 nothing in this paragraph shall prohibit a member of a
15 collective bargaining unit from serving on a governing
16 board of a charter school, on the state public charter
17 school commission, or as a charter school authorizer
18 established under chapter 302D;

19 (3) Top-level managerial and administrative personnel,
20 including the department head, deputy or assistant to
21 a department head, administrative officer, director,



- 1 or chief of a state or county agency or major
2 division, and legal counsel;
- 3 (4) Secretary to top-level managerial and administrative
4 personnel under paragraph (3);
- 5 (5) Individual concerned with confidential matters
6 affecting employee-employer relations;
- 7 (6) Part-time employee working less than twenty hours per
8 week, except part-time employees included in unit (5);
- 9 (7) Temporary employee of three months' duration or less;
- 10 (8) Employee of the executive office of the governor or a
11 household employee at Washington Place;
- 12 (9) Employee of the executive office of the lieutenant
13 governor;
- 14 (10) Employee of the executive office of the mayor;
- 15 [~~(11)~~ ~~Staff of the legislative branch of the State;~~
- 16 ~~(12)~~ (11) Staff of the legislative branches of the
17 counties, except employees of the clerks' offices of
18 the counties;
- 19 [~~(13)~~ (12) Any commissioned and enlisted personnel of the
20 Hawaii national guard;



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Report Title:

Legislative Staff; Public Employees; Collective Bargaining;
Repeal

Description:

Specifies that the President of the Senate and the Speaker of the House of Representatives shall each have one vote if they have employees in a particular bargaining unit for the purposes of negotiating a collective bargaining agreement. Repeals staff of the legislative branch of the State from the list of individuals not included in any appropriate bargaining unit.

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

