
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING UNIT CREATION.

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- Establishment of new bargaining units. (a) The
5 board shall adopt rules under chapter 91 establishing criteria
6 for the establishment of a new bargaining unit. The rules shall
7 include a requirement that any employee, employer, or exclusive
8 representative proposing to establish a new bargaining unit
9 shall submit an application to the board along with any relevant
10 supporting documents. In determining the appropriateness of a
11 new bargaining unit, the board shall consider, at a minimum:

- 12 (1) The principles of efficient administration of
13 government and the effect of over fragmentation;
14 (2) The number of employee organizations with which the
15 employer jurisdictions might have to negotiate;



1 (3) An identifiable, compelling, community of interest
2 among the employees to be included in the bargaining
3 unit, considering:
4 (A) The wages, hours, and other working conditions of
5 the public employees involved;
6 (B) The similarity of duties, responsibilities,
7 skills, knowledge, and other working conditions
8 of the public employees;
9 (C) The method by which jobs classifications and
10 salary range designations are determined;
11 (D) The interdependence of jobs and interchange of
12 employees; and
13 (E) The feasibility and appropriateness of placement
14 in existing bargaining units; and
15 (4) Other factors normally or traditionally taken into
16 consideration in determining the appropriateness of
17 bargaining units in the public sector;
18 provided that notwithstanding bargaining unit 8, no bargaining
19 unit shall be established or approved for purposes of collective
20 bargaining that includes both professional and non-professional
21 employees.



1 (b) The board, upon approval of an application to
2 establish a new bargaining unit, shall submit a report to the
3 legislature, including proposed legislation for the legislature
4 to consider and enact, which shall be accompanied by a decision
5 and order issued by the board.

6 (c) If the board denies an application, the board shall
7 inform the applicant in writing of the reasons for the denial.
8 Upon correcting or satisfying the reasons for the board's
9 denial, the applicant may then amend its application by
10 providing all steps taken to cure the reasons for the denial and
11 resubmit the application to the board.

12 (d) If the board denies an application and the applicant
13 determines that the application cannot be amended to conform to
14 the reasons for the denial and upon request by the applicant,
15 the board shall submit a report to the legislature documenting
16 the submission, documenting the denial of the application, and
17 setting forth the reasons for the denial; provided that no
18 report to the legislature shall be required under this
19 subsection if the board has submitted a similar report for a
20 similar new bargaining unit to the legislature within the
21 immediately preceding five year period."



1 SECTION 2. In accordance with section 9 of article VII of
 2 the Hawaii State Constitution and sections 37-91 and 37-93,
 3 Hawaii Revised Statutes, the legislature has determined that the
 4 appropriations contained in Act 164, Regular Session of 2023,
 5 and this Act will cause the state general fund expenditure
 6 ceiling for fiscal year 2024-2025 to be exceeded by
 7 \$ or per cent. This current declaration takes
 8 into account general fund appropriations authorized for fiscal
 9 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
 10 only. The reasons for exceeding the general fund expenditure
 11 ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
- 13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs
- 15 addressed by this Act.

16 SECTION 3. There is appropriated out of the general
 17 revenues of the State of Hawaii the sum of \$ or so
 18 much thereof as may be necessary for fiscal year 2024-2025 for
 19 the purposes of this Act, including for the establishment
 20 of full-time equivalent (FTE) positions.



1 The sum appropriated shall be expended by the Hawaii labor
2 relations board for the purposes of this Act.

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval;
8 provided that section 3 shall take effect on July 1, 2024.



Report Title:

HLRB; Collective Bargaining; New Unit; Criteria; Report;
Expenditure Ceiling; Appropriation

Description:

Requires the Hawaii Labor Relations Board to adopt rules establishing criteria for the creation of new bargaining units. Requires any employee, employer, or exclusive representative proposing a new bargaining unit to submit an application to the Board. Requires the Board to consider certain criteria in determining the appropriateness of a new bargaining unit. Requires the Board to, upon its approval of the application, submit a report to the Legislature, including proposed legislation for the Legislature to consider and enact to create the new bargaining unit, accompanied by a Decision and Order issued by the Board. Sets forth procedures the Board must follow when it denies an application. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. (SD1)

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

