
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. The purpose of this Act is to amend chapter 89,
2 Hawaii Revised Statutes, to establish the authority of the
3 Hawaii labor relations board to develop the criteria for and to
4 assess requests for creating new bargaining units.

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

8 "§89- Establishment of new bargaining units. (a) The
9 board shall adopt rules under chapter 91 establishing criteria
10 for the establishment of a new bargaining unit. The rules shall
11 include a requirement that any employee, employer, or exclusive
12 representative proposing to establish a new bargaining unit
13 shall submit an application to the board along with any relevant
14 supporting documents. Any employee, employer, or executive
15 representative may petition the board to determine the
16 appropriateness of a new bargaining unit. In determining the



1 appropriateness of a new bargaining unit, the board shall
2 consider, at a minimum:

3 (1) The principles of efficient administration of
4 government and the effect of over fragmentation;

5 (2) The number of employee organizations with which the
6 employer jurisdictions might have to negotiate;

7 (3) An identifiable, compelling, community of interest
8 among the employees to be included in the bargaining
9 unit, considering:

10 (A) The wages, hours, and other working conditions of
11 the public employees involved;

12 (B) The similarity of duties, responsibilities,
13 skills, knowledge, and other working conditions
14 of the public employees;

15 (C) The method by which jobs classifications and
16 salary range designations are determined;

17 (D) The interdependence of jobs and interchange of
18 employees; and

19 (E) The feasibility and appropriateness of placement
20 in existing bargaining units; and



1 (4) Other factors normally or traditionally taken into
2 consideration in determining the appropriateness of
3 bargaining units in the public sector;
4 provided that notwithstanding bargaining unit 8, no bargaining
5 unit shall be established or approved for purposes of collective
6 bargaining that includes both professional and non-professional
7 employees.

8 (b) The board, upon approval of an application to
9 establish a new bargaining unit, shall submit a report to the
10 legislature, including proposed legislation for the legislature
11 to consider and enact, which shall be accompanied by a decision
12 and order issued by the board."

13 SECTION 3. In accordance with section 9 of article VII of
14 the Hawaii State Constitution and sections 37-91 and 37-93,
15 Hawaii Revised Statutes, the legislature has determined that the
16 appropriations contained in Act 164, Regular Session of 2023,
17 and this Act will cause the state general fund expenditure
18 ceiling for fiscal year 2024-2025 to be exceeded by
19 \$ or per cent. This current declaration takes
20 into account general fund appropriations authorized for fiscal
21 year 2024-2025 in Act 164, Regular Session of 2023, and this Act



1 only. The reasons for exceeding the general fund expenditure
2 ceiling are that:

3 (1) The appropriation made in this Act is necessary to
4 serve the public interest; and

5 (2) The appropriation made in this Act meets the needs
6 addressed by this Act.

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2024-2025 for
10 the purposes of this Act, including for the development of the
11 criteria and procedures in section 2 of this Act and to
12 establish one full-time equivalent (1.0 FTE) position within the
13 Hawaii labor relations board to implement the criteria and
14 procedures established by section 2 of this Act.

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

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

20 SECTION 6. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval;
2 provided that section 4 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. Allows any employee, employer, or exclusive representative to petition the Board to determine the appropriateness of a new bargaining unit. 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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. (SD2)

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