

JAN 15 2025

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 additionally 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 privileges of the constitutional
15 right to collective bargaining, legislative staff at the Hawaii
16 state legislature are excluded from the protections of article
17 XIII.

18 According to a 2023 Time magazine article, Maine has
19 allowed nonpartisan legislative employees the right to unionize
20 since the late 1990s. In 2021, Oregon became the first state in
21 the nation to allow legislative staff to unionize, and



1 California granted its legislative staff the same right in 2023.
2 Furthermore, similar legislation allowing legislative staff to
3 unionize has been introduced in several other states.

4 Accordingly, the purpose of this Act is to repeal the
5 exclusion of legislative staff from chapter 89, Hawaii Revised
6 Statutes. The legislature notes that this Act will allow
7 legislative employees to choose whether they wish to
8 collectively bargain; it does not require it.

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

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

12 "(d) For the purpose of negotiating a collective
13 bargaining agreement, the public employer of an appropriate
14 bargaining unit shall mean the governor together with the
15 following employers:

16 (1) For bargaining units (1), (2), (3), (4), (9), (10),
17 (13), (14), and (15), the governor shall have six
18 votes and the mayors, the chief justice, the president
19 of the senate, the speaker of the house of
20 representatives, and the Hawaii health systems



1 corporation board shall each have one vote if they
2 have employees in the particular bargaining unit;

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

6 (3) For bargaining units (5) and (6), the governor shall
7 have three votes, the board of education shall have
8 two votes, and the superintendent of education shall
9 have one vote; and

10 (4) For bargaining units (7) and (8), the governor shall
11 have three votes, the board of regents of the
12 University of Hawaii shall have two votes, and the
13 president of the University of Hawaii shall have one
14 vote.

15 Any decision to be reached by the applicable employer group
16 shall be on the basis of simple majority, except when a
17 bargaining unit includes county employees from more than one
18 county. In that case, the simple majority shall include at
19 least one county."

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



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

4 (1) Elected or appointed official;

5 (2) Member of any board or commission; provided that
6 nothing in this paragraph shall prohibit a member of a
7 collective bargaining unit from serving on a governing
8 board of a charter school, on the state public charter
9 school commission, or as a charter school authorizer
10 established under chapter 302D;

11 (3) Top-level managerial and administrative personnel,
12 including the department head, deputy or assistant to
13 a department head, administrative officer, director,
14 or chief of a state or county agency or major
15 division, and legal counsel;

16 (4) Secretary to top-level managerial and administrative
17 personnel under paragraph (3);

18 (5) Individual concerned with confidential matters
19 affecting employee-employer relations;

20 (6) Part-time employee working less than twenty hours per
21 week, except part-time employees included in unit (5);



- 1 (7) Temporary employee of three months' duration or less;
- 2 (8) Employee of the executive office of the governor or a
- 3 household employee at Washington Place;
- 4 (9) Employee of the executive office of the lieutenant
- 5 governor;
- 6 (10) Employee of the executive office of the mayor;
- 7 ~~(11) Staff of the legislative branch of the State;~~
- 8 ~~(12)~~ (11) Staff of the legislative branches of the
- 9 counties, except employees of the clerks' offices of
- 10 the counties;
- 11 ~~(13)~~ (12) Any commissioned and enlisted personnel of the
- 12 Hawaii national guard;
- 13 ~~(14)~~ (13) Inmate, kokua, patient, ward, or student of a
- 14 state institution;
- 15 ~~(15)~~ (14) Student help;
- 16 ~~(16)~~ (15) Staff of the Hawaii labor relations board;
- 17 ~~(17)~~ (16) Employees of the Hawaii national guard youth
- 18 challenge academy; or
- 19 ~~(18)~~ (17) Employees of the office of elections."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 105

Report Title:

Legislative Staff; Public Employees; Collective Bargaining;
Repeal

Description:

Repeals staff of the legislative branch of the State from the list of individuals not included in any appropriate bargaining unit. 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.

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

