

ACT 160

H.B. NO. 1362

A Bill for an Act Relating to Freedom of Information.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 89-8, Hawaii Revised Statutes, recognizes the right of the exclusive bargaining unit representative “to act for” and negotiate agreements covering “all employees” in the unit and “to be responsible” for representing the interests of all such employees.

As a result, exclusive representatives for public employees need accurate, relevant, timely, complete, and consistent information concerning bargaining unit positions and employees. This information is sometimes contained in government personnel and payroll records. At times, this information is necessary so the representative can comply with Chapter 89, Hawaii Revised Statutes.

Act 262, SLH 1988, “The Uniform Information Practices Act (Modified)” fails to specifically address or clarify the issue of disclosure of certain information to the exclusive representatives. This Act clarifies the nature of the information that can be disclosed.

SECTION 2. Chapter 92F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§92F- Disclosure to an exclusive representative. (a) The appropriate government agencies shall disclose to an exclusive representative, as defined by chapter 89, information related to the administration of payroll deductions as authorized by section 89-4, as follows: the name, social security number, bargaining unit, amounts and dates of all statutory dues and fees and voluntary payroll deductions remitted to the exclusive representative.

(b) An exclusive representative receiving government records pursuant to this law shall be subject to the same restrictions on disclosure of the records as the originating agency.”

SECTION 3. Section 92F-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any provision to the contrary notwithstanding each agency shall make available for public inspection and duplication during regular business hours:

- (1) Rules of procedure, substantive rules of general applicability, statements of general policy, and interpretations of general applicability adopted by the agency;
- (2) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;
- (3) Government purchasing information including all bid results except to the extent prohibited by section 92F-13;

- (4) Pardons and commutations, as well as directory information concerning an individual's presence at any correctional facility;
- (5) Land ownership, transfer, and lien records, including real property tax information and leases of state land;
- (6) Results of environmental tests;
- (7) Minutes of all agency meetings required by law to be public;
- (8) Name, address, and occupation of any person borrowing funds from a state or county loan program, and the amount, purpose, and current status of the loan;
- (9) Certified payroll record on public works contracts;
- (10) Regarding contract hires and consultants employed by agencies; the contract itself, the amount of compensation, the duration of the contract, and the objectives of the contract;
- (11) Building permit information within the control of the agency;
- (12) Water service consumption data maintained by the boards of water supply;
- (13) Rosters of persons holding licenses or permits granted by an agency which may include name, business address, type of license held, and status of the license;
- (14) The name, compensation ([or] but only the salary range for employees covered by chapters 76 [and], 77[]], 297 or 304), job title, business address, business telephone number, job description, education and training background, previous work experience, [and] dates of first and last employment, position number, type of appointment, service computation date, occupational group or class code, bargaining unit code, employing agency name and code, department, division, branch, office, section, unit, and island of employment, of present or former officers or employees of the agency, provided that this provision shall not require the creation of a roster of employees; except that this provision shall not apply to information regarding present or former employees involved in an undercover capacity in a law enforcement agency;
- (15) Information collected and maintained for the purpose of making information available to the general public; and
- (16) Information contained in or compiled from a transcript, minutes, report, or summary of a proceeding open to the public."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 1989.

(Approved June 7, 1989.)

Note

1. Edited pursuant to HRS §23G-16.5.