

ACT 95

S.B. NO. 890

A Bill for an Act Relating to the Hawaii Labor Relations Board.

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

SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its finding of fact and conclusions. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State ~~[or the]~~ temporary inability to act due to recusal, or illness of any regular member. An acting member, during the acting member’s term of service, shall have the same powers and duties as the regular member~~[-];~~ provided that:

- (1) If the regular member is the representative of management or labor, then employee organizations representing public employees may submit to the governor for consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member;
- (2) If the regular member is the representative of management, then public employers may submit to the governor for consideration names of persons to serve as an acting member and the governor shall first consider these persons in selecting an acting member;
- (3) Subsection (d) shall not apply to an acting member; and
- (4) An acting member appointed due to a regular member’s recusal shall be appointed for the case in which the recusal occurred, and the acting member’s appointment shall terminate when the final decision is filed or the case is withdrawn.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 2013.)