

ACT 143

S.B. NO. 2991

A Bill for an Act Relating to Collective Bargaining Unit Creation.

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

SECTION 1. The purpose of this Act is to amend chapter 89, Hawaii Revised Statutes, to establish the authority of the Hawaii labor relations board to develop the criteria for and to assess requests for creating new bargaining units.

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

“§89- Establishment of new bargaining units. (a) The board shall adopt rules pursuant to chapter 91 establishing criteria and procedures for the establishment of a new bargaining unit. The rules shall include a requirement that any employee who is not included in an existing bargaining unit under section 89-6(a) and not excluded under section 89-6(f), employer, or exclusive representative proposing to establish a new bargaining unit petition the board and submit an application along with any relevant supporting documents. Any employee who is not included in an existing bargaining unit under section 89-6(a) and not excluded under section 89-6(f), employer, or executive representative may petition the board to determine the appropriateness of a new bargaining unit.

(b) In determining the appropriateness of a new bargaining unit, the board shall consider, at a minimum:

- (1) The principles of efficient administration of government and the effect of over fragmentation;
- (2) The number of employee organizations with which the employer jurisdictions might have to negotiate;
- (3) An identifiable, compelling, community of interest among the employees to be included in the bargaining unit, considering:
 - (A) The wages, hours, and other working conditions of the public employees involved;
 - (B) The similarity of duties, responsibilities, skills, knowledge, and other working conditions of the public employees;
 - (C) The method by which jobs classifications and salary range designations are determined;
 - (D) The interdependence of jobs and interchange of employees; and
 - (E) The feasibility and appropriateness of placement in existing bargaining units; and
- (4) Other factors normally or traditionally taken into consideration in determining the appropriateness of bargaining units in the public sector;

provided that notwithstanding bargaining unit (8), no bargaining unit shall be established or approved for purposes of collective bargaining that includes both professional and non-professional employees.

(c) Upon making a determination of whether or not to approve a petition to establish a new bargaining unit, the board shall issue a decision and order. If the petition is approved, the board shall submit a report to the legislature, including proposed legislation for the legislature to consider and enact the establishment of the new bargaining unit, which shall be accompanied by the decision and order issued by the board.”

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SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$95,000 or so much thereof as may be necessary for fiscal year 2024-2025 to establish one full-time equivalent (1.0 FTE) staff attorney position (LBR 161), exempt from chapter 76, Hawaii Revised Statutes, within the Hawaii labor relations board to implement the criteria and procedures established by section 2 of this Act.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

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

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2024, and shall be repealed on July 1, 2027.

(Approved July 1, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.