

HOUSE OF REPRESENTATIVES
FIFTEENTH LEGISLATURE, 1989
STATE OF HAWAII

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:

1 SECTION 1. Exclusive bargaining representatives for public
2 employees have a compelling need for accurate, relevant, timely,
3 complete, and consistent information concerning government
4 positions and employees that is contained in government personnel
5 and payroll records. This information is necessary to comply
6 with chapter 89 of the Hawaii Revised Statutes, as well as the
7 recent United States Supreme Court decision of Chicago Teachers
8 Union, Local No. 1, AFT, AFL-CIO v. Hudson, No. 84-1503 (March 4,
9 1986). Access to this information is crucial to the
10 representatives' ability to carry out their fiduciary duties.

11 The purpose of this Act is to allow public employers to
12 provide government records necessary for exclusive
13 representatives to perform their functions.

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

17 "§92F- Information needed for collective bargaining
18 representatives. (a) Notwithstanding any other provision of
19 law, an exclusive representative as defined in section 89-2 shall

1 be entitled to the following information pursuant to this
2 section.

3 (b) The State shall provide to an exclusive representative
4 information in the following categories:

5 (1) Positions, filled or vacant, in the appropriate
6 bargaining unit, both included and excluded from the
7 respective bargaining unit;

8 (2) Incumbents (members and nonmembers) in the appropriate
9 bargaining unit;

10 (3) Payroll deductions of dues and service fees; and

11 (4) Changes in unit composition resulting from:

12 (A) Inclusions to the bargaining unit, including:

13 (i) Newly established positions;

14 (ii) Filled vacancies;

15 (iii) Changes between bargaining units; and

16 (iv) Changes from excluded to included status;

17 (B) Exclusions from the bargaining unit, including:

18 (i) Elimination of existing positions;

19 (ii) Changes from included to excluded status;

20 (iii) Exclusion from collective bargaining; and

21 (iv) Changing the bargaining unit; and

22 (C) Personnel action, including:

23 (i) New hires;

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1 (ii) Separations; and

2 (iii) Leaves of absence.

3 (c) The type of information the State shall provide shall
4 be:

5 (1) Listings of all facilities where public employees work,
6 including building name, address, and zip code, and,
7 where possible, the department, division, branch,
8 office, section, and unit located at that address.

9 (2) Conversion tables to translate the employing agency
10 codes, the warrant/distribution codes, type of
11 appointment codes, work week codes, excluded
12 designation codes, and occupational group codes.

13 (3) For each employee:

14 (A) Position number;

15 (B) Civil service or exempt;

16 (C) Occupational group code;

17 (D) Position title;

18 (E) Salary range;

19 (F) Bargaining unit inclusion/exclusion designation
20 code;

21 (G) Reason for exclusion, if excluded;

22 (H) Employing agency and code;

23 (I) Department, division, branch, section, and unit;

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(J) Island code, work address, and home mailing address;

(K) Monthly salary and salary step;

(L) Type of appointment;

(M) Employee identification number;

(N) Employment and service computation dates;

(O) Work week code;

(P) Name;

(Q) Social security number;

(R) Gender;

(S) Ethnic code;

(T) Physical handicap;

(U) Payroll warrant/distribution code;

(V) Dues/services fees payroll deduction and voluntary payroll deductions;

(W) Separations and reason therefor;

(X) Leaves of absence and returns; and

(Y) Change in bargaining unit status."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Roland A. Katan

[Signature]

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