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# A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 89, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:  
4           "§89-       Proposed findings and conclusions; request for  
5 draft decision on issue of law. (a) The board may require the  
6 party who prevails after the presentation of evidence in a  
7 hearing to submit proposed findings of fact and conclusions of  
8 law. The party required to prepare proposed findings of fact  
9 and conclusions of law shall have fourteen days, unless the time  
10 is extended by the board, to draft the same and secure the  
11 approval as to form of opposing parties thereon. If the form of  
12 the proposed findings of fact and conclusions of law has not  
13 been approved, a party served with the proposed findings and  
14 conclusions may, within seven days after service of the proposed  
15 findings of fact and conclusions of law, serve and deliver to  
16 the prevailing party and the board objections and a copy of the  
17 objecting party's proposed findings and conclusions. The board



1 shall determine the findings of fact and conclusions of law to  
2 be entered.

3 If after the conclusion of all testimony in the case, and  
4 after the submission thereof, the board does not indicate which  
5 party has prevailed in the action, the respective parties  
6 involved may be requested to submit proposed findings of fact  
7 and conclusions of law.

8 (b) The prevailing party shall deliver the original to the  
9 board, or, if not so approved, serve a copy thereof upon each  
10 party who has appeared in the action and deliver the original to  
11 the board.

12 (c) Whenever the board proposes to file a written decision  
13 on any motion or issue of law, it may at any time order one or  
14 more of the parties to submit to the board and serve on all  
15 other parties a draft decision within fourteen days of the  
16 order. In such event, the board shall advise all parties of its  
17 action. The opposing parties shall have seven days to present  
18 comments with respect thereto to the board and serve on the  
19 drafting party. The failure of any party to submit comments  
20 with respect to any such draft shall not affect the right of



1 such party to appeal from any judgment incorporated in or based  
2 on the decision as issued."

3 SECTION 2. Chapter 377, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§377- Proposed findings and conclusions; request for  
7 draft decision on issue of law. (a) The board may require the  
8 party who prevails after the presentation of evidence in a  
9 hearing to submit proposed findings of fact and conclusions of  
10 law. The party required to prepare proposed findings of fact  
11 and conclusions of law shall have fourteen days, unless the time  
12 is extended by the board, to draft the same and secure the  
13 approval as to form of opposing parties thereon. If the form of  
14 the proposed findings of fact and conclusions of law has not  
15 been approved, a party served with the proposed findings and  
16 conclusions may, within seven days after service of the proposed  
17 findings of fact and conclusions of law, serve and deliver to  
18 the prevailing party and the board objections and a copy of the  
19 objecting party's proposed findings and conclusions. The board  
20 shall determine the findings of fact and conclusions of law to  
21 be entered.



1       If after the conclusion of all testimony in the case, and  
2 after the submission thereof, the board does not indicate which  
3 party has prevailed in the action, the respective parties  
4 involved may be requested to submit proposed findings of fact  
5 and conclusions of law.

6       (b) The prevailing party shall deliver the original to the  
7 board, or, if not so approved, serve a copy thereof upon each  
8 party who has appeared in the action and deliver the original to  
9 the board.

10       (c) Whenever the board proposes to file a written decision  
11 on any motion or issue of law, it may at any time order one or  
12 more of the parties to submit to the board and serve on all  
13 other parties a draft decision within fourteen days of the  
14 order. In such event, the board shall advise all parties of its  
15 action. The opposing parties shall have seven days to present  
16 comments with respect thereto to the board and serve on the  
17 drafting party. The failure of any party to submit comments  
18 with respect to any such draft shall not affect the right of  
19 such party to appeal from any judgment incorporated in or based  
20 on the decision as issued."



1 SECTION 3. Chapter 396, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§396- Proposed findings and conclusions; request for  
5 draft decision on issue of law. (a) The appeals board may  
6 require the party who prevails after the presentation of  
7 evidence in a hearing to submit proposed findings of fact and  
8 conclusions of law. The party required to prepare proposed  
9 findings of fact and conclusions of law shall have fourteen  
10 days, unless the time is extended by the appeals board, to draft  
11 the same and secure the approval as to form of opposing parties  
12 thereon. If the form of the proposed findings of fact and  
13 conclusions of law has not been approved, a party served with  
14 the proposed findings and conclusions may, within seven days  
15 after service of the proposed findings of fact and conclusions  
16 of law, serve and deliver to the prevailing party and the  
17 appeals board objections and a copy of the objecting party's  
18 proposed findings and conclusions. The appeals board shall  
19 determine the findings of fact and conclusions of law to be  
20 entered.



1        If after the conclusion of all testimony in the case, and  
2 after the submission thereof, the appeals board does not  
3 indicate which party has prevailed in the action, the respective  
4 parties involved may be requested to submit proposed findings of  
5 fact and conclusions of law.

6        (b) The prevailing party shall deliver the original to the  
7 appeals board, or, if not so approved, serve a copy thereof upon  
8 each party who has appeared in the action and deliver the  
9 original to the appeals board.

10       (c) Whenever the appeals board proposes to file a written  
11 decision on any motion or issue of law, it may at any time order  
12 one or more of the parties to submit to the appeals board and  
13 serve on all other parties a draft decision within fourteen days  
14 of the order. In such event, the appeals board shall advise all  
15 parties of its action. The opposing parties shall have seven  
16 days to present comments with respect thereto to the appeals  
17 board and serve on the drafting party. The failure of any party  
18 to submit comments with respect to any such draft shall not  
19 affect the right of such party to appeal from any judgment  
20 incorporated in or based on the decision as issued."

21       SECTION 4. New statutory material is underscored.



# H.B. NO. 1206

1 SECTION 5. This Act shall take effect upon its approval.

2 INTRODUCED BY: D. L. Holt (BR)

JAN 24 2017



# H.B. NO. 1206

**Report Title:**

Hawaii Labor Relations Board; Decisions and Orders

**Description:**

Allows the Hawaii Labor Relations Board (Board) to request parties appearing before the board to submit proposed findings of fact and conclusions of law and a draft decision on any motion or issue of law.

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

