

§202-1 Council; appointment; tenure. [(a)] The advisory commission on employment and human resources is hereby constituted as the workforce development council. The council shall also fulfill the functions of the state workforce development board for purposes of the federal Workforce Innovation and Opportunity Act of 2014, P.L. No. 113-128.

[(b)] Except for the ex officio members or their designees, the council members shall be appointed by the governor for four-year staggered terms as provided for in section 26-34. The governor shall appoint the chairperson of the council. The council shall be constituted as provided by P.L. 113-128 (29 U.S.C. 3111) of the following members:

(1) The directors of labor and industrial relations, human services, and business, economic development, and tourism; the superintendent of education; and the president of the University of Hawaii or their designees, as ex officio, voting members;

(2) The private sector chairpersons of the four county workforce development boards, or their designees from the private sector membership of their respective boards, as ex officio, voting members;

(3) Seventeen representatives from the private sector, including nonprofit organizations and businesses in the State, appointed from individuals nominated by state business organizations and business trade associations;

(4) Eight representatives from labor organizations and workforce training organizations, two or more of whom shall be representatives of labor organizations who have been nominated by state labor federations, and one of whom shall be a labor representative from a community-based native Hawaiian organization that operates workforce development programs;

(5) A member of each house of the legislature, for two-year terms beginning in January of odd-numbered years, appointed by the appropriate presiding officer of each house, as ex officio, voting members;

(6) The four mayors or their designees, as ex officio, voting members; and

(7) The governor or the governor's designee.

[(c)] Council members shall serve without compensation but shall be reimbursed for travel expenses necessary for the performance of their duties.

[(d)] From June 6, 2016, and until such time that the council has forty-one members, sixteen council members shall constitute a quorum to do business, and the concurrence of at least sixteen council members shall be necessary to make any action of the council valid.

[(e)] All council members may continue to serve on the council until their respective successors have been appointed. A person appointed to fill a vacancy shall serve the remainder of the term of the person's predecessor. [L 1965, c 270, §2; Supp, §98W-2; HRS §202-1; am L 1970, c 170, §1; am L 1977, c 19, §1; am L 1985, c 252, §2; am L 1997, c 346, §2; am L 1999, c 72, §3; am L 2000, c 104, §1; am L 2005, c 179, §4; am L 2016, c 57, §2]

Revision Note

In subsection (d), "June 6, 2016" substituted for "the effective date of Act [57], Session Laws of Hawaii 2016" pursuant to §23G-15.

Attorney General Opinions

Cited, as a constitutional board and commission statute where members may serve as holdovers until their successors are "appointed", without any reference to the successors being fully "qualified"; an "appointment" properly occurs under the interim appointments provision of article V, §6 of the state constitution. Att. Gen. Op. 16-3.

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