

Honolulu, Hawaii

Feb 15, 2008

RE: H.B. No. 2974
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2974 entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this bill is to protect an employee's right to organize and allow both public and private sector employees easier access to union representation by:

- (1) Streamlining the process to certify union representation by requiring the Hawaii Labor Relations Board to certify an exclusive representative if a majority of the employees in a unit not currently represented has signed valid authorizations designating a bargaining representative instead of doing so through an election process; and
- (2) Establishing a process that facilitates the initial collective bargaining agreements between an employer and a newly certified employee representative.

The Hawaii Building and Construction Trades Council, AFL-CIO, ILWU Local 142, and Hawaii State AFL-CIO testified in support of this bill. The Hawaii Government Employees Association (HGEA) supported the measure with an amendment. The Department of Labor and Industrial Relations, Associated Builders and Contractors of Hawaii, Hawaii Hotel and Lodging Association, and Outrigger Hotels



testified in opposition to this bill. The Office of Collective Bargaining (OCB) opposed this measure in part.

Although many employees have been allowed to legally exercise their right to organize, many employers still attempt to deny workers the freedom to form a union. By streamlining the union certification process by enabling workers to form unions when a majority of the workers sign union authorization cards, the playing field for workers seeking to be organized is leveled.

Your Committee does understand the concerns raised by HGEA and OCB that amending existing law for public sector employees is unnecessary and that the current collective bargaining system should be maintained for these employees. Your Committee also notes the concern raised by ILWU that although this measure facilitates the initial collective bargaining agreement between the newly certified employee representative and the employer, no provisions exist to resolve a stalemate between the two parties should one develop.


Accordingly, your Committee has amended this measure by:

- (1) Removing the streamlined union certification process and facilitation of collective bargaining agreements for public sector employees;
- (2) Establishing a process for arriving at a collective bargaining agreement between the newly certified employee representative and the employer if a stalemate develops;
- (3) Changing its effective date to July 1, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2974, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2974, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,

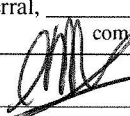

ALEX M. SONSON, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 509-08

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 2974	Committee Referral: LAB, FIN	Date: 2/12/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	X			
2. NAKASONE, Bob (VC)				X
3. EVANS, Cindy	Y			
4. HAR, Sharon E.	X			
5. LEE, Marilyn B.	Y			
6. LUKE, Sylvia	Y			
7. McKELVEY, Angus L.K.	Y			
8. NISHIMOTO, Scott Y.	Y			
9. SOUKI, Joseph M.	X			
10. TAKAMINE, Dwight Y.	X			
11. TAKUMI, Roy M.	X			
12. MEYER, Colleen Rose			X	
13. PINE, Kymberly Marcos		X		
TOTAL (13)	10	1	1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				