

STAND. COM. REP. NO. 3161

Honolulu, Hawaii

MAR 24 2008

RE: H.B. No. 2974
H.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2974, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this measure is to allow streamlined union certification procedures and to facilitate initial collective bargaining agreements under the Hawaii Employment Relations Act.

Your Committee received testimony in support of this measure from ILWU Local 142; Hawaii Building and Construction Trades Council, AFL-CIO; Hawaii Government Employees Association; Hawaii State AFL-CIO; and Hawaii State Teachers Association. Testimony in opposition was received from the Department of Labor and Industrial Relations, The Chamber of Commerce of Hawaii, and the Society for Human Resource Management Hawaii.

Streamlined union certification under this measure allows for an alternative method to elections for purposes of union representation. Accordingly, a petition is filed by an employee or group of employees or any individual or labor organization acting on their behalf alleging that a majority of employees in a bargaining unit wish to be represented for collective bargaining purposes. If the Hawaii Labor Relations Board, after investigation of the petition, finds that a majority of the employees of a bargaining unit have signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative, and that no other



individual or labor organization is currently certified or recognized as the exclusive representative, the Board shall not direct an election but shall certify the individual or labor organization as the representative.

This measure also facilitates initial collective bargaining agreements by providing that, after a specified time period has elapsed after the receipt by the Board of a request for collective bargaining, made by an individual or labor organization newly organized or certified as a representative, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement. Failure to reach such an agreement after a specified period allows the parties to request conciliation. If the conciliator is not able to bring about agreement by conciliation, the conciliator shall refer the dispute to an arbitration panel to render a binding decision, effective for two years, to settle the dispute. The decision may be amended by written consent of the parties during the two-year period.

This measure is modeled after the federal Employee Free Choice Act (H.R. 800 and S. 1040), presently pending in the United States Congress, that would amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2974, H.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



