
A BILL FOR AN ACT

RELATING TO LABOR.

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

1 SECTION 1. Section 103-55, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§103-55 Wages, hours, and working conditions of employees**
4 **of contractors performing services.** (a) Before any offeror
5 enters into a contract to perform services in excess of \$25,000
6 for any governmental agency, the offeror shall certify that the
7 services to be performed will be performed under the following
8 conditions:

9 Wages. The services to be rendered shall be performed by
10 employees paid at wages or salaries not less than the wages paid
11 to public officers and employees for similar work.

12 Compliance with labor laws. All applicable laws of the
13 federal and state governments relating to workers' compensation,
14 unemployment compensation, payment of wages, and safety will be
15 fully complied with.

16 (b) No contract to perform services for any governmental
17 contracting agency in excess of \$25,000 shall be granted unless
18 all the conditions of this section are met. Failure to comply



1 with the conditions of this section during the period of
2 contract to perform services shall result in cancellation of the
3 contract, unless such noncompliance is corrected within a
4 reasonable period as determined by the procurement officer.

5 Final payment of a contract [~~or~~] release of bonds, or both,
6 shall not be made unless the procurement officer has determined
7 that the noncompliance has been corrected.

8 It shall be the duty of the governmental contracting agency
9 awarding the contract to perform services in excess of \$25,000
10 to enforce this section.

11 (c) This section shall apply to all contracts to perform
12 services in excess of \$25,000, including contracts to supply
13 ambulance service and janitorial service.

14 This section shall not apply to:

- 15 (1) Managerial, supervisory, or clerical personnel~~[-]~~;
- 16 (2) Contracts for supplies, materials, or printing~~[-]~~;
- 17 (3) Contracts for utility services~~[-]~~;
- 18 (4) Contracts to perform personal services under
19 paragraphs (2), (3), (12), and (15) of section 76-16,
20 paragraphs (7), (8), and (9) of section 46-33, and
21 paragraphs (7), (8), and (12) of section 76-77~~[-]~~;
- 22 (5) Contracts for professional services~~[-]~~;



1 (6) Contracts to operate refreshment concessions in public
2 parks, or to provide food services to educational
3 institutions[-]; and

4 (7) Contracts with nonprofit institutions.

5 (d) Any bid specification offered or contract entered into
6 by a governmental body under this section shall contain the
7 following:

8 (1) A provision requiring the contractor to ensure the
9 right of all employees under relevant state or federal
10 law to:

11 (A) Form, join, or assist labor organizations;

12 (B) Bargain collectively through representatives of
13 their own choosing; and

14 (C) Exercise these legal rights without interference;

15 (2) A provision that, if at any time during the contract
16 period, a labor organization or any employee of the
17 contractor seeks to organize employees of the
18 contractor, the contractor shall commit no act or make
19 any statement that will directly or indirectly state
20 or imply the contractor's preference or nonpreference
21 for unionization of its employees in general, or for
22 recognition of any bona fide labor organization as the



1 exclusive representative of the employees working on
2 contracts covered by this section;

3 (3) A provision that, if at any time during the contract
4 period, a labor organization or any employee of the
5 contractor seeks to organize employees of the
6 contractor, the contractor shall grant access to its
7 employees by any bona fide labor organization in the
8 employee lunchrooms, lounges, or other nonpublic areas
9 on the contractor's premises during employee off-work
10 periods, for organizational purposes; provided that
11 there is no interference with normal work operations;
12 and

13 (4) A provision that, if during the contract period, a
14 bona fide labor organization requests recognition
15 within an appropriate bargaining unit, a disinterested
16 neutral party selected by the director of labor and
17 industrial relations shall conduct a review of
18 employee authorization cards submitted by any labor
19 organization in support of its claim to represent a
20 majority of employees in an appropriate bargaining
21 unit. If a majority of employees within a unit has
22 designated the signatory labor organization to



1 represent them, the contractor shall recognize that
2 labor organization as the exclusive representative of
3 the designated bargaining unit and negotiations will
4 commence for a collective bargaining agreement.

5 (e) Any contractor found in violation of this section
6 shall pay a fine of \$5,000 per violation to the governmental
7 body, in addition to attorney's fees and costs, to the
8 governmental body or the affected employees.

9 (f) Any employer who violates any provision of this
10 section shall be liable to the employee or employees affected
11 for the amount of their unpaid wages or compensation, and in
12 case of wilful violation, for an additional amount equal to the
13 liquidated damages."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2059.



Report Title:

Labor unions; organization

Description:

Requires that contracts subject to certain wage requirements contain provisions allowing employees to organize. Effective 07/01/2059. (HB3368 HD1)

