

Honolulu, Hawaii
Feb 1, 2008

RE: H.B. No. 3368
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. 3368 entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this bill is to protect workers' right to organize by:

- (1) Requiring that any bid specification offered or contract entered into by a governmental body to perform services in excess of \$25,000 contain certain provisions allowing the organizing of employees;
- (2) Imposing fines on contractors who are found to be in violation of the law;
- (3) Establishing that any employer found to be in violation of the law shall be liable to the employee or employees affected for the amount of their unpaid wages or compensation; and
- (4) Requiring employers pay an additional amount equal to the liquidated damages for unpaid wages or compensation of an employee or employees in cases of a willful violation.



The Hawaii State AFL-CIO, ILWU Local 142, and Laborers' Union Local 368 testified in support of this bill. The Department of Labor and Industrial Relations testified in opposition to this measure.

The right to form or join a union has long been established in the United States. This right is exercised by employees in a variety of ways, including an elections process and a process known as "card check recognition". Under the "card check recognition" process, signed union authorization cards are verified by a neutral third party. If, through this process, it is established that a majority of the workers support a union, the employer voluntarily recognizes that particular union.

While organizing by employees may seem like a simple, straightforward process, your Committee notes that concerns have been raised by both employers and employees that numerous tactics to both oppose and support unionization have been used by both parties to push their particular agendas, making the process adversarial at times. Establishing a "card check recognition process" on certain public contracts may help to make the unionization process more amicable between employer and employee.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2009, to facilitate further discussion; and
- (2) 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. 3368, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3368, H.D. 1, and be referred to the Committee on Judiciary.



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

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 3368	Committee Referral: LAB, JUD, FIN	Date: 01/29/08		
<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	X			
4. HAR, Sharon E.	X			
5. LEE, Marilyn B.	X			
6. LUKE, Sylvia	Y			
7. McKELVEY, Angus L.K.		X		
8. NISHIMOTO, Scott Y.	X			
9. SOUKI, Joseph M.				X
10. TAKAMINE, Dwight Y.	X			
11. TAKUMI, Roy M.	Y			
12. MEYER, Colleen Rose		X		
13. PINE, Kymberly Marcos		Y		
TOTAL (13)	8	3	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				