

Honolulu, Hawaii

March 19, 2008

RE: S.B. No. 2594
S.D. 1
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 S.B. No. 2594, S.D. 1, 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 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 ILWU Local 142, Hawaii Government Employees Association, Hawaii State AFL-CIO, and Laborers' Union Local 368 testified in support of this bill. The Department of Labor and Industrial Relations, Associated Builders and Contractors of Hawaii, Hawaii Food Industry Association, and ABC Stores testified in opposition to this measure.



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 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 bill by establishing a process for arriving at a collective bargaining agreement between the newly certified employee representative and the employer if a stalemate develops.

Your Committee has further amended this bill by:

- (1) Changing its effective date to July 1, 2008; and
- (2) Making technical, nonsubstantive amendments have also been made 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 S.B. No. 2594, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2594, S.D. 1, 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

1202.08

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 2594, SD1	Committee Referral: LAB, FIN	Date: 03-11-08		
<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)	Y			
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.	X			
8. NISHIMOTO, Scott Y.				X
9. SOUKI, Joseph M.	Y			
10. TAKAMINE, Dwight Y.	Y			
11. TAKUMI, Roy M.	X			
12. MEYER, Colleen Rose				X
13. PINE, Kymberly Marcos				Y
TOTAL (13)	7	0	0	6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>(Committee acronym(s))</small>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				