

Honolulu, Hawaii

May 1, 2009

RE: H.B. No. 952  
H.D. 1  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 952, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

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

- (1) Streamlining the process to certify union representation by requiring the Hawaii Labor Relations Board (HLRB) to certify an exclusive representative if a majority of the employees in a unit not currently represented have signed valid authorizations designating a bargaining representative, rather than holding an election to determine such representation;



- (2) Establishing a process that facilitates the initial collective bargaining agreements between an employer and a newly certified employee representative; and
- (3) Making it a violation for an employer to wilfully or repeatedly commit unfair or prohibited practices that interfere with an employee's statutory rights or that discriminate against an employee for exercising protected conduct, subject to a civil penalty of \$20,000 or less per violation.

Historically, the unionization of workers has resulted in increased wages, the lessening of racial and gender disparities in pay, decreased workplace discrimination, and increases in job safety standards. These changes benefit not only unionized workers but all employees.

Although many employees have been allowed to legally exercise their right to organize, some employers still attempt to deny workers the freedom to form a union. This measure attempts to provide workers seeking to organize a more level playing field by streamlining the union certification process and enabling workers to form unions when a majority of the workers sign union authorization cards. Furthermore, this bill provides protections for workers against actions that would hinder them from exercising this right.

After further consideration, your Committee on Conference finds that the fairness contained in this measure can be improved and made more equitable. Accordingly, your Committee on Conference has amended this bill by:

- (1) Requiring HLRB to adopt rules governing the certification of exclusive union representation;
- (2) Making the streamlined union certification process applicable to employers with an annual gross revenue of \$5 million or more;
- (3) Making the wilful or repeated commission of unfair or prohibited practices applicable to both employers and employees, and changing the civil penalty for such a violation to \$10,000 or less per violation;
- (4) Changing its effective date to July 1, 2009; and



- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 952, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 952, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

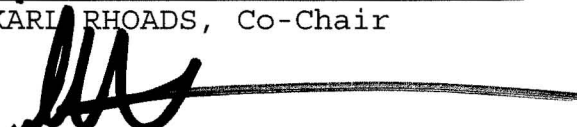
ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

  
 \_\_\_\_\_  
 DWIGHT Y. TAKAMINE, Chair

  
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 KARL RHOADS, Co-Chair

  
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 BRIAN T. TANIGUCHI, Co-Chair

  
 \_\_\_\_\_  
 ANGUS L.K. MCKELVEY, Co-Chair

  
 \_\_\_\_\_  
 MARCUS R. OSHIRO, Co-Chair



Hawaii State Legislature

CCR115

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 952, HD 1, SD 2	Date/Time: May 1, 2009 2:31 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

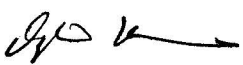
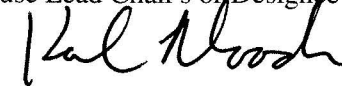
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TAKAMINE, Dwight Y., Chr.	X				RHOADS, Karl, Co-Chr.	X			
TANIGUCHI, Brian T., Co-Chr.	X				MCKELVEY, Angus L.K., Co-Chr.		X		
HEE, Clayton				X	OSHIRO, Marcus R., Co-Chr.	X			
					NAKASHIMA, Mark M.	X			
					YAMASHITA, Kyle T.	X			
TOTAL	2	0	0	1	TOTAL	4	1	0	0

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency