

STAND. COM. REP. NO. 143

Honolulu, Hawaii

Feb 10, 2009

RE: H.B. No. 952

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

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 952 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 and allow both public and private sector employees easier access to union representation 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 Hawaii Government Employees Association; the International Brotherhood of Electrical Workers; the Laborers' International Union of North America Local 368; the Hawaii Teamsters and Allied Workers, Local 996; the International Brotherhood of Electrical Workers, Local 1260; the Hawaii Building and Construction Trades Council, AFL-CIO; the Hawaii State AFL-CIO; the Hawaii Ports Maritime Council; the Screen Actors Guild

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Hawaii Branch; the ILWU Local 142; Pride At Work Hawaii; American Income Life Insurance Company; the Chair of the Hawaii Democratic Party; the Boilermakers Union Local 627; and the Ironworkers Stabilization Fund Local 625 testified in support of this bill.

The Department of Labor and Industrial Relations; the Department of Agriculture; the Kauai Chamber of Commerce; the Hawaii Bar Owners Association; the Hawaii Hotel & Lodging Association; Retail Merchants of Hawaii; the Hawaii Crop Improvement Association; the National Federation of Independent Business; Hawaii Farm Bureau Federation; Hawaii Foodservice Alliance LLC; The Chamber of Commerce of Hawaii; the Society for Human Resource Management; The Alliance for Worker Freedom; Monsanto Hawaii; Highway Inn Inc.; the Hawaii Agriculture Research Center; Tanaka of Tokyo Restaurants Ltd, Corporate Offices; Tanaka of Tokyo Restaurants Ltd., Central; Tanaka of Tokyo Restaurants Ltd., East; Aston Hotels & Resorts, LLC; Associated Builders and Contractors Hawaii; REI Food Service, LLC d.b.a. Gyotaku Japanese Restaurants; Hamakua Macadamia Nut Company; The Gas Company; Duke's Waikiki; Palama Holdings LLC; Palama Meat Company; H&W Food Service; the Waikaloa Beach Marriott; Outrigger Hotels; Honolulu Tavern; Legends Inc.; KDI Investment Inc.; The Hawaii Automobile Dealers Association; Kona Brewing Company; the Alliance for Worker Freedom; and numerous individuals testified in opposition to this measure.

The Department of the Attorney General (AG) commented on this bill.

Historically, the unionization of workers has resulted in increased wages, the lessening of race and gender pay gaps, decreased workplace discrimination, and increases in job safety standards. These changes not only affect unionized workers but have had a positive effect for all working people.

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.

However, your Committee understands the concerns raised by the AG that conflicts may exist between the conciliation and arbitration requirements established in this measure and current



statutory requirements. Nevertheless, your Committee finds that these issues can be resolved as this bill proceeds through the legislative process and that this measure deserves further consideration.

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. 952 and recommends that it pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

Record of Votes of the Committee on Labor & Public Employment

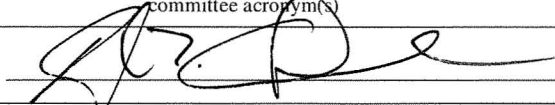
Bill/Resolution No.: <b>HB 952</b>	Committee Referral: <b>LAB, EBM, FIN</b>	Date: <b>2-3-09</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)		/		
3. AQUINO, Henry J.C.	/			
4. AWANA, Karen Leinani	/			
5. HANOHANO, Faye P.		/		
6. KEITH-AGARAN, Gilbert S.C.	/			
7. LEE, Marilyn B.	/			
8. NAKASHIMA, Mark M.	/			
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.	/			
11. TAKUMI, Roy M.	/			
12. PINE, Kymberly Marcos		/		
<b>TOTAL (12)</b>	<b>9</b>	<b>3</b>		

The recommendation is:  Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: 

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