

Honolulu, Hawaii

MAR 27 2009

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

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

Madam:

Your Committee on Labor, to which was referred H.B. No. 952, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LABOR,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Streamline 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 have signed valid authorizations designating a bargaining representative, rather than holding an election; and
- (2) Establishing a process that facilitates initial collective bargaining agreements between employers and newly certified employee representatives.

Testimony in support of this measure was submitted by several organizations. Testimony in opposition to this measure was submitted by three state agencies and several organizations and individuals. Comments were submitted by one state agency and one organization. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure supports workers' right to organize for the purpose of collective bargaining under



Article XIII of the Hawaii Constitution and provides protections for workers against actions that would hinder them from exercising this constitutional right.

Your Committee has amended this measure as follows:

- (1) Making it a violation for an employer to wilfully or repeatedly commit unfair or prohibited practices interfering with an employee's statutory rights or discriminating against an employee for exercising protected conduct, subject to a civil penalty of \$20,000 or less per violation;
- (2) Eliminating the restriction on the application of this measure to employees of employers with one hundred or more employees; and
- (3) Making technical, nonsubstantive changes for the purposes of style.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 952, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 952, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Labor,

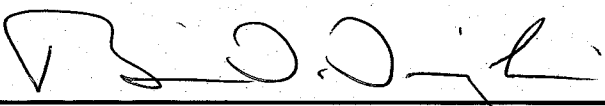


DWIGHT Y. TAKAMINE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:*	Committee Referral:	Date:		
HB952 HA1	LBR, J60	3-24-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert				✓
HEE, Clayton				✓
SLOM, Sam			✓	
TOTAL	2	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes