
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 377, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:
4 "§377- Streamlining union certification. (a) When an
5 employee, group of employees, or any individual or labor
6 organization acting on their behalf, files a petition alleging
7 that a majority of employees in a unit appropriate for the
8 purposes of collective bargaining wish to be represented by an
9 individual or labor organization for those purposes, the board
10 shall investigate the petition. If the board finds that a
11 majority of the employees in a unit appropriate for bargaining
12 have signed valid authorizations designating the individual or
13 labor organization specified in the petition as their bargaining
14 representative and that no other individual or labor
15 organization is currently certified or recognized as the
16 exclusive representative of any of the employees in the unit,
17 the board shall certify the individual or labor organization as



1 the representative without directing an election similar to that
2 under section 377-1(11).

3 (b) The board shall adopt rules governing the
4 certification of an exclusive representative under this section
5 and shall have the final determination on any controversy
6 concerning the eligibility of an employee to sign an
7 authorization card and the validity of an employee's signature
8 on an authorization card.

9 (c) For the purposes of this section, the term "employee"
10 means an employee, as defined in section 377-1; provided that
11 the employee is employed by an employer with one hundred or more
12 employees."

13 **§377- Facilitating initial collective bargaining**

14 **agreements.** (a) No later than ten days after receiving a
15 written request for collective bargaining from an individual or
16 labor organization that has been newly organized or certified as
17 a representative, the parties shall meet and commence to bargain
18 collectively and shall make every reasonable effort to conclude
19 and sign a collective bargaining agreement.

20 (b) If, after the expiration of the ninety-day period
21 beginning on the date on which bargaining commenced, or such
22 additional period as the parties may agree upon, the parties



1 have failed to reach an agreement, either party may notify the
2 board of the existence of a dispute and request conciliation
3 under section 377-3.

4 (c) If, after the expiration of the twenty-day period
5 beginning on the date on which the request for conciliation is
6 made under subsection (b), or such additional period as the
7 parties may agree upon, the conciliator is not able to bring the
8 parties to agreement by conciliation, the board shall refer the
9 dispute to an arbitration panel established in accordance with
10 the procedure in section 89-11(e)(2)(A) and rules as may be
11 prescribed by the board. The arbitration panel shall render a
12 decision settling the dispute, and the decision shall be binding
13 upon the parties for a period of two years, unless amended
14 during that period by written consent of the parties.

15 (d) For the purposes of this section, the term "employee"
16 means an employee, as defined in section 377-1; provided that
17 the employee is employed by an employer with one hundred or more
18 employees."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Labor Unions; Private Sector

Description:

Certifies entities as exclusive representatives without an election where no other representatives are certified as the exclusive bargaining representatives. Requires immediate collective bargaining between parties once entities are certified as exclusive representatives. Effective July 1, 2020.
(SB1621 HD2)

