

STAND. COM. REP. NO.

229

Honolulu, Hawaii

Feb 11, 2011

RE: H.B. No. 385

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 385 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose of this bill is to promote the ability of employees to organize and collectively bargain in the terms of employment by:

- (1) Authorizing nonsupervisory legislative employees to organize through a streamlined union certification process when a majority of employees sign union authorization cards;
- (2) Providing an expedited process for initial collective bargaining agreements for these employees; and
- (3) Establishing a separate collective bargaining unit for these employees.

The Auditor, and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO provided comments.

Your Committee finds that allowing nonsupervisory legislative employees to unionize will provide these employees a larger role in the decisions that affect working conditions. This bill as received by your Committee does not specifically address

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collective bargaining for employees of statutorily established legislative agencies, i.e., the Ethics Commission, Legislative Reference Bureau, Office of the Auditor, and Office of the Ombudsman. Moreover, concerns were raised as to whether the terms nonsupervisory and supervisory are to apply structurally or functionally. There are also practical considerations with establishing a single bargaining unit for all types of nonsupervisory legislative employees, while existing bargaining units under section 89-6, Hawaii Revised Statutes, are arranged by job classification or profession. Your Committee is aware of these issues and is moving this bill along for further discussion.

Your Committee has amended this bill by:

- (1) Defining nonsupervisory employees of the legislative branch of the State;
- (2) Adding a provision that retains the rights of the employer of employees under the new collective bargaining unit (14) (nonsupervisory legislative employees), to hire and terminate at will;
- (3) Clarifying which employees of the Ethics Commission, Legislative Reference Bureau, Office of the Auditor, and Office of the Ombudsman are eligible for collective bargaining; and
- (4) Making technical, nonsubstantive amendments 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 H.B. No. 385, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 385, H.D. 1, and be referred to the Committee on Legislative Management.

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

*Karl Rhoads*

KARL RHOADS, Chair



