

Honolulu, Hawaii

April 8, 2016

RE: S.B. No. 2896  
S.D. 1  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2896, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PREVENTION OF UNFAIR LABOR PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to provide for a more efficient way of satisfying notice requirements to parties with respect to unfair labor practice complaints by:

- (1) Authorizing the Hawaii Labor Relations Board (Board) to require a complainant to serve a copy of the complaint upon the person charged;
- (2) Allowing service of complaints by electronic service through a company designated by the Board; and
- (3) Requiring that all parties be given written notice of hearing for unfair labor practice complaints by first class mail or by electronic service at least 15 days before the hearing.

The Hawaii Labor Relations Board provided comments on this measure.



Your Committee has amended this measure by:

- (1) Specifying that written notice of a hearing for unfair labor practice complaints by electronic service may be in addition to but not a replacement for service by first class mail; and
- (2) Changing the effective date to July 1, 2112, to encourage further discussion.

The measure, as received by your Committee, would have allowed notice of a hearing to be served by electronic service alone. Your Committee notes due process concerns if notice is given by electronic mail only because a respondent would not have enough time to prepare if notice is given electronically and the notice is not received because an email address is not on file. Therefore, your Committee notes that the most appropriate and suitable form of serving notice for unfair labor practice hearings is delivery by first class mail. Accordingly, your Committee has amended this measure to require that written notice of a hearing for unfair labor practice complaints by electronic service may be in addition to but not a replacement for service by first class mail.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2896, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2896, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



---

ANGUS L.K. MCKELVEY, Chair



