

STAND. COM. REP. NO.

**2357**

Honolulu, Hawaii

**FEB 15 2018**

RE: S.B. No. 2360

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2360  
entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require  
collective bargaining public employees to provide written  
notification to the employee's exclusive representative to  
discontinue the employee's payroll assignments within a certain  
time period.

Your Committee received testimony in support of this measure  
from the Hawaii State Teachers Association; United Public Workers,  
AFSCME, Local 646, AFL-CIO; and Hawaii Government Employees  
Association, AFSCME Local 152, AFL-CIO.

Your Committee finds that in *Janus v. AFSCME*, currently  
pending before the United States Supreme Court, the petitioners  
are seeking to invalidate public-sector agency shop arrangements  
arguing that such arrangements violate the petitioners' First  
Amendment rights. A ruling in favor of the petitioners in *Janus*  
may allow public sector employees to leave their unions and not  
pay dues, while the unions, in turn, would still be legally-bound  
to represent them, effectively changing collective bargaining  
representatives' ability to collect resources from their members  
and potentially diminishing public employees' ability to  
effectively negotiate. Your Committee finds that this measure



requires employees wishing to opt out of union membership to provide written notification within thirty days of the anniversary of their initial membership date in any given year of their desire to discontinue payroll deductions to their exclusive representative, thereby allowing unions to better manage the impact of potential member resignations in the wake of a possible Supreme Court ruling that goes against the unions.

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 S.B. No. 2360 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

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



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JILL N. TOKUDA, Chair



