

JAN 22 2021

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Chapter 89, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§89- Direct reimbursement. (a) Notwithstanding any
5 other provision of law to the contrary, a public employer shall
6 directly reimburse an employee organization for costs germane to
7 the collective bargaining process, contract administration, and
8 pursuing matters affecting wages, hours, and other conditions of
9 employment.

10 (b) The employee organization shall annually certify to
11 the employer the amount of permissible expenditures the employee
12 organization has actually incurred pursuant to the terms of
13 direct reimbursement under subsection (a); provided that:

14 (1) If the employer agrees that the identified
15 expenditures are reimbursable under subsection (a),
16 the employer shall promptly reimburse the employee
17 organization for the certified amount; and



1 (2) If the employer disagrees with any of the identified
2 expenditures, the employer shall petition the board
3 for review of the specific expenditures to be
4 challenged within thirty days. The employer shall set
5 aside the challenged expenditures in an escrow account
6 maintained by the employer, employee organization, or
7 board, and shall promptly reimburse the employee
8 organization for all other expenditures.

9 (c) The procedures governing review of challenges brought
10 pursuant to subsection (b) (2) shall be the same as those that
11 govern challenges brought under this chapter and chapter 91.

12 (d) An employee organization may choose to bargain for
13 other concessions regarding wages, hours, benefits, or other
14 terms or conditions of employment in lieu of the reimbursement
15 the employee organization is entitled to under subsection (a).

16 (e) The receipt of employer reimbursement by an employee
17 organization pursuant to subsection (a) for that employee
18 organization's collective bargaining activities shall not render
19 the employee organization a state or county contractor for
20 purposes of part XIII of chapter 11."



1 SECTION 2. Section 89-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§89-3 Rights of employees.** Employees shall have the
4 right of self-organization and the right to form, join, or
5 assist any employee organization for the purpose of bargaining
6 collectively through representatives of their own choosing on
7 questions of wages, hours, and other terms and conditions of
8 employment, and to engage in lawful, concerted activities for
9 the purpose of collective bargaining or other mutual aid or
10 protection, free from interference, restraint, or coercion. An
11 employee shall have the right to refrain from any or all of such
12 activities[, ~~except for having a payroll deduction equivalent to~~
13 ~~regular dues remitted to an exclusive representative as provided~~
14 ~~in section 89-4~~]."

15 SECTION 3. Section 89-4, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Upon receiving from an exclusive representative a
18 written statement specifying the amount of regular dues required
19 of its members in the appropriate bargaining unit, the employer
20 shall deduct this amount from the payroll of every member
21 employee in the appropriate bargaining unit and remit the amount



1 to the exclusive representative. ~~[Additionally, the employer~~
2 ~~shall deduct an amount equivalent to the regular dues from the~~
3 ~~payroll of every nonmember employee in the appropriate~~
4 ~~bargaining unit, and shall remit the amount to the exclusive~~
5 ~~representative; provided that the deduction from the payroll of~~
6 ~~every nonmember employee shall be made only for an exclusive~~
7 ~~representative that provides for a procedure for determining the~~
8 ~~amount of a refund to any employee who demands the return of any~~
9 ~~part of the deduction that represents the employee's pro rata~~
10 ~~share of expenditures made by the exclusive representative for~~
11 ~~activities of a political and ideological nature unrelated to~~
12 ~~terms and conditions of employment. If a nonmember employee~~
13 ~~objects to the amount to be refunded, the nonmember employee may~~
14 ~~petition the board for review thereof within fifteen days after~~
15 ~~notice of the refund has been received. If an employee~~
16 ~~organization is no longer the exclusive representative of the~~
17 ~~appropriate bargaining unit, the deduction from the payroll of~~
18 ~~members and nonmembers shall terminate.] "~~

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

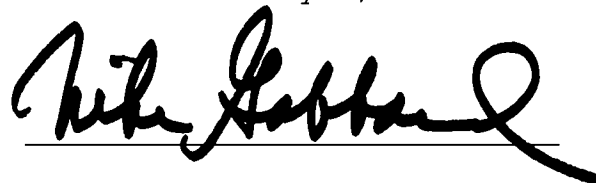
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1 SECTION 5. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Robb", is written over a horizontal line.



S.B. NO. 354

Report Title:

Collective Bargaining; Public Employers; Public Employees;
Employee Organizations; Direct Reimbursement; Payroll Deductions

Description:

Requires public employers to reimburse employee organizations for costs germane to the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment for public employees. Specifies requirement for direct reimbursement. Allows for an employee organization to bargain for other concessions regarding wages, hours, benefits, or other terms or conditions of employment in lieu of the direct reimbursement. Repeals mandatory payroll deductions by public employers from nonmember employees of an exclusive bargaining unit.

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