
A BILL FOR AN ACT

RELATING TO UNFAIR LABOR PRACTICES.

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

1 SECTION 1. Section 377-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§377-6 Unfair labor practices of employers.** It shall be
4 an unfair labor practice for an employer individually or in
5 concert with others:

6 (1) To interfere with, restrain, or coerce the employer's
7 employees in the exercise of the rights guaranteed in
8 section 377-4;

9 (2) To initiate, create, dominate, or interfere with the
10 formation or administration of any labor organization
11 or contribute financial support to it, but an employer
12 shall not be prohibited from reimbursing employees at
13 their prevailing wage rate for time spent conferring
14 with the employer, nor from cooperating with
15 representatives of at least a majority of the
16 employer's employees in a collective bargaining unit,
17 at their request, by permitting employee



1 organizational activities on employer premises or the
2 use of employer facilities where the activities or use
3 create no additional expense to the employer;

4 (3) To encourage or discourage membership in any labor
5 organization by discrimination in regard to hiring,
6 tenure, or other terms or conditions of employment.

7 An employer, however, may enter into an all-union
8 agreement with the bargaining representative of the
9 employer's employees in a collective bargaining unit,
10 unless the board has certified that at least a
11 majority of the employees have voted to rescind the
12 authority of their bargaining representative to
13 negotiate such all-union agreement within one year
14 preceding the date of the agreement. No employer
15 shall justify any discrimination against any employee
16 for nonmembership in a labor organization if the
17 employer has reasonable grounds for believing that:

18 (A) [~~Such membership~~] Membership was not available to
19 the employee on the same terms and conditions
20 generally applicable to other members; or



- 1 (B) [~~Or that membership~~] Membership was denied or
2 terminated for reasons other than the failure of
3 the employee to tender periodic dues and the
4 initiation fees uniformly required as a condition
5 for acquiring or retaining membership;
- 6 (4) To refuse to bargain collectively with the
7 representative of a majority of the employer's
8 employees in any collective bargaining unit provided
9 that if the employer has good faith doubt that a union
10 represents a majority of the employees, the employer
11 may file a representation petition for an election and
12 shall not be deemed guilty of refusal to bargain;
- 13 (5) To bargain collectively with the representatives of
14 less than a majority of the employer's employees in a
15 collective bargaining unit, or to enter into an all-
16 union agreement except in the manner provided in
17 paragraph (3);
- 18 (6) To violate the terms of a collective bargaining
19 agreement;
- 20 (7) To refuse or fail to recognize or accept as conclusive
21 of any issue in any controversy as to employment



- 1 relations the final determination of the board or of
2 any tribunal of competent jurisdiction;
- 3 (8) To discharge or otherwise discriminate against an
4 employee because the employee has filed charges or
5 given information or testimony under the provisions of
6 this chapter;
- 7 (9) To deduct labor organization dues or assessments from
8 an employee's earnings, unless the employer has been
9 presented with an individual order therefor, signed by
10 the employee personally;
- 11 (10) To employ any person to spy upon employees or their
12 representatives respecting their exercise of any right
13 created or approved by this chapter;
- 14 (11) To make, circulate, or cause to be circulated a
15 blacklist;
- 16 (12) To offer or grant permanent employment to an
17 individual for performing work as a replacement for a
18 bargaining unit member during a labor dispute; [e~~r~~]
- 19 (13) Based on employment or willingness to be employed
20 during a labor dispute, to give employment preference
21 to one person over another who:



- 1 (A) Was an employee at the commencement of the
- 2 dispute;
- 3 (B) Exercised the right to join, assist, or engage in
- 4 lawful collective bargaining or mutual aid or
- 5 protection through the labor organization engaged
- 6 in the dispute; and
- 7 (C) Continues to work for or has unconditionally
- 8 offered to return to work for the employer[-]; or
- 9 (14) To discharge, discipline, or otherwise penalize or
- 10 threaten any adverse employment action against an
- 11 employee because the employee declines to:
- 12 (A) Attend or participate in an employer-sponsored
- 13 meeting, or any portion of a meeting, that
- 14 communicates the opinion of the employer about
- 15 political matters; or
- 16 (B) Receive or listen to a communication from the
- 17 employer that communicates the opinion of the
- 18 employer about political matters;
- 19 provided that this paragraph shall not limit the
- 20 rights of an employer to conduct meetings or to engage
- 21 in communications involving political matters as long



1 as attendance by the employees is wholly voluntary.
2 For purposes of this paragraph, "employee" has the
3 same meaning as defined in section 377-1; provided
4 that "employee" shall include any individual employed
5 in the domestic service of a family or person at the
6 family's or person's home or any individual employed
7 by the individual's parent or spouse, or any person
8 employed in an executive or supervisory capacity, or
9 any individual employed by any employer employing less
10 than two individuals, or any individual subject to the
11 jurisdiction of the Federal Railway Labor Act or the
12 National Labor Relations Act, as amended from time to
13 time."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Unfair Labor Practices; Meetings; Political Matters; Prohibition

Description:

Makes it unlawful for an employer to discharge, discipline, or otherwise penalize or threaten any adverse employment action against an employee because the employee declines to attend or participate in an employer-sponsored meeting that communicates the opinion of the employer about political matters, or declines to receive or listen to a communication from the employer that communicates the opinion of the employer about political matters. (SD1)

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