
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[+] to:

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

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



1 at their request, by permitting employee
2 organizational activities on employer premises or the
3 use of employer facilities where the activities or use
4 create no additional expense to the employer;
5 (3) [~~To encourage~~] Encourage or discourage membership in
6 any labor organization by discrimination in regard to
7 hiring, tenure, or other terms or conditions of
8 employment [~~. An employer, however,~~]; provided that an
9 employer may enter into an all-union agreement with
10 the bargaining representative of the employer's
11 employees in a collective bargaining unit, unless the
12 board has certified that at least a majority of the
13 employees have voted to rescind the authority of their
14 bargaining representative to negotiate [~~such~~] the all-
15 union agreement within one year preceding the date of
16 the agreement. No employer shall justify any
17 discrimination against any employee for nonmembership
18 in a labor organization if the employer has reasonable
19 grounds for believing that:



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



1 (12) [~~To offer~~] Offer or grant permanent employment to an
2 individual for performing work as a replacement for a
3 bargaining unit member during a labor dispute; [~~or~~]

4 (13) Based on employment or willingness to be employed
5 during a labor dispute, [~~to~~] give employment
6 preference to one person over another who:

7 (A) Was an employee at the commencement of the
8 dispute;

9 (B) Exercised the right to join, assist, or engage in
10 lawful collective bargaining or mutual aid or
11 protection through the labor organization engaged
12 in the dispute; and

13 (C) Continues to work for or has unconditionally
14 offered to return to work for the employer[~~er~~]; or

15 (14) Discharge, discipline, or otherwise penalize or
16 threaten any adverse employment action against an
17 employee because the employee declines to:

18 (A) Attend or participate in an employer-sponsored
19 meeting, or any portion of a meeting, that
20 communicates the opinion of the employer about
21 political matters; or



1 (B) Receive or listen to a communication from the
2 employer that communicates the opinion of the
3 employer about political matters;
4 provided that this paragraph shall not limit the
5 rights of an employer to conduct meetings or to engage
6 in communications involving political matters as long
7 as attendance by the employees is wholly voluntary.

8 For purposes of this paragraph:
9 "Employee" has the same meaning as defined in
10 section 377-1; provided that "employee" includes any
11 individual employed in the domestic service of a
12 family or person at the family's or person's home; any
13 individual employed by the individual's parent or
14 spouse; any individual employed in an executive or
15 supervisory capacity; any individual employed by any
16 employer employing less than two individuals; or any
17 individual subject to the jurisdiction of the federal
18 Railway Labor Act or the National Labor Relations Act,
19 as amended from time to time.



1 "Political matters" means anything related to an
2 attempt to influence a future vote by persons in an
3 audience."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect on July 1, 3000.



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. Defines "employee" and "political matters". Effective 7/1/3000. (HD2)

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