

STAND. COM. REP. NO.

1255

Honolulu, Hawaii

MAR 22 2023

RE: H.B. No. 1205

H.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred H.B. No. 1205, H.D. 1, 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 clarify that exclusive representatives of public employees are not required to provide grievance representation to collective bargaining unit members who do not pay dues or dues equivalents and who decline to pay reasonable costs of the representation.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly and State of Hawaii Organization of Police Officers. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments from one individual.

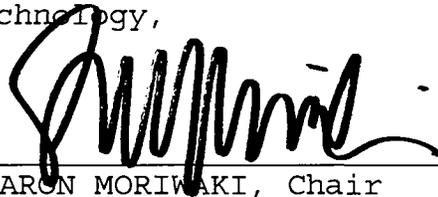
Your Committee finds that section 89-8, Hawaii Revised Statutes, currently requires exclusive representatives to provide grievance representation to all employees within the collective bargaining unit, regardless of their membership status. Your Committee recognizes that the United States Supreme Court, through *Janus v. AFSCME*, 138 S.Ct. 1338, (2018), held that non-member public employees cannot be compelled by law to pay agency fees, which were intended to cover the pro-rata costs of representation, namely contract negotiation and administration. According to



testimony received by your Committee, this measure is an essential tool to address the unique demands of a bargaining unit that historically has a significant percentage of non-members, while simultaneously providing all public sector bargaining units with the same essential tools. Your Committee further notes that the scope of this measure is limited to the provision of grievance representation of the non-member employee. Your Committee further recognizes that due to the potentially long and costly grievance process, the exclusive bargaining representative may decline to provide grievance representation for non-member employees who decline to pay the reasonable costs for the representation.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1205, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



SHARON MORIWAKI, Chair



