

STAND. COM. REP. NO. 1807

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1205
H.D. 1
S.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 Judiciary, 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 specify 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 State of Hawaii Organization of Police Officers and University of Hawaii Professional Assembly. Your Committee received testimony in opposition to this measure from six individuals.

Your Committee finds that under existing law, public employees fall within one of fifteen bargaining units, which are represented by the employee organization certified by the Hawaii Labor Relations Board. A certified union is the exclusive organization responsible for representing the interests of all employees in matters such as labor disputes, wages, hours, and other terms and conditions of employment, and does so without discrimination and without regard to an employee's organization



membership. However, to pay for the various services that the union provides to the employees in its bargaining unit, unions deduct dues from the employee's payroll through the employee's public employer. Prior to 2018, regardless of whether an employee within a bargaining unit elected to become a member of the exclusive employee organization, the non-member employee still had to pay their fair share because they enjoyed the same services and benefits provided to all employees by the exclusive employee organization. In 2018, the Supreme Court of the United States issued its opinion in *Janus v. AFSCME*, 138 S.Ct. 1338, (2018), which held that a public sector union is prohibited from charging non-union members certain union dues. Currently, non-union members can reap the benefits of the union but not pay for the services that they benefit from and utilize, which is fundamentally unfair and could bankrupt unions. This measure would prevent a nonunion member from receiving grievance representation for which they did not pay, thus ensuring fairness and providing financial stability to unions in the State.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1205, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1205, H.D. 1, S.D. 1.

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



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 1205 HD1	Committee Referral: LBT, JDC	Date: 3/31/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	AWA		✓	
TOTAL	3	-	1	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes