# 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 was not available to the employee

19              on the same terms and conditions generally

20              applicable to other members; or

1         (B)   [~~Or that membership~~] <u>Membership</u> 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; [or]

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)  Declines to receive or listen to a communication

17               from the employer that communicates the opinion

18               of the employer about political matters,

19          provided that this paragraph shall not limit the

20          rights of an employer to conduct meetings or to engage

1    in communications involving political matters as long

2    as attendance by the employees is wholly voluntary."

3    SECTION 2.  Statutory material to be repealed is bracketed

4    and stricken.  New statutory material is underscored.

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

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INTRODUCED BY: _____

**Report Title:**
Unfair Labor Practices; 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.

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