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

19 (A) [~~Such membership~~] Membership was not available to  
20 the employee on the same terms and conditions  
21 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~~] 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~~] Bargain collectively with the  
14 representatives of less than a majority of the  
15 employer's employees in a collective bargaining unit,  
16 or to enter into an all-union agreement except in the  
17 manner provided in paragraph (3);
- 18 (6) [~~To violate~~] Violate the terms of a collective  
19 bargaining agreement;
- 20 (7) [~~To refuse~~] Refuse or fail to recognize or accept as  
21 conclusive of any issue in any controversy as to



- 1 employment relations the final determination of the  
2 board or of any tribunal of competent jurisdiction;
- 3 (8) [~~To discharge~~] Discharge or otherwise discriminate  
4 against an employee because the employee has filed  
5 charges or given information or testimony under the  
6 provisions of this chapter;
- 7 (9) [~~To deduct~~] Deduct labor organization dues or  
8 assessments from an employee's earnings, unless the  
9 employer has been presented with an individual order  
10 therefor, signed by the employee personally;
- 11 (10) [~~To employ~~] Employ any person to spy upon employees or  
12 their representatives respecting their exercise of any  
13 right created or approved by this chapter;
- 14 (11) [~~To make,~~] Make, circulate, or cause to be circulated  
15 a blacklist;
- 16 (12) [~~To offer~~] 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  
21 preference 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) 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



1           in communications involving political matters as long  
2           as attendance by the employees is wholly voluntary.

3                   For purposes of this paragraph:

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

15                   "Political matters" means anything related to an  
16          attempt to influence a future vote by persons in an  
17          audience."

18           SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20           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. Defines "employee" and "political matters". (CD1)

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