

JAN 23 2025

A BILL FOR AN ACT

RELATING TO PRIVATE SECTOR COLLECTIVE BARGAINING RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that private sector
2 workers are at risk to lose their collective bargaining rights
3 on the federal level due to a document called "Project 2025".
4 Although federal law regarding private sector collective
5 bargaining rights generally preempts state law, state law can
6 supersede federal law in certain situations if it provides
7 higher or better protection.

8 The legislature further finds that the State directly
9 benefits from unionization. In 2023, the United States Bureau
10 of Labor Statistics reported that 24.1 per cent of Hawaii's wage
11 and salary workers were represented by a union, the highest
12 union density per capita in the United States. Unionization
13 directly contributes to the State's gross domestic product by
14 creating higher wages and increased consumer spending. In
15 addition to economic benefits for the State, unionization makes
16 work environments safer, improves health and retirement
17 benefits, and reduces income inequality.



1 The purpose of this Act is to protect the rights of private
2 sector workers in the State by expanding the types of employees
3 protected by the Hawaii Employment Relations Act to include
4 independent contractors and all individuals subject to the
5 jurisdiction of the National Labor Relations Act, not just those
6 over whom the National Labor Relations Board has declined to
7 exercise jurisdiction.

8 SECTION 2. Section 377-1, Hawaii Revised Statutes, is
9 amended by amending the definition of "employee" to read as
10 follows:

11 ""Employee" includes any person[~~, other than an independent~~
12 ~~contractor,~~] working for another for hire in the State, and
13 shall not be limited to the employees of a particular employer
14 unless the context clearly indicates otherwise. "Employee"
15 includes any individual whose work has ceased solely as a
16 consequence of or in connection with any current labor dispute
17 or because of any unfair labor practice on the part of an
18 employer and who has not:

19 (1) Refused or failed to return to work upon the final
20 disposition of a labor dispute or a charge of an
21 unfair labor practice by a tribunal having competent



1 jurisdiction of the same or whose jurisdiction was
2 accepted by the employee or the employee's
3 representative;

4 (2) Been found to be committing or a party to any unfair
5 labor practice hereunder;

6 (3) Obtained regular and substantially equivalent
7 employment elsewhere; or

8 (4) Been absent from the individual's employment for a
9 substantial period of time during which reasonable
10 expectancy of settlement has ceased (except by an
11 employer's unlawful refusal to bargain) and whose
12 place has been filled by another engaged in the
13 regular manner for an indefinite or protracted period
14 and not merely for the duration of a strike or
15 lockout.

16 "Employee" does not include any individual employed in the
17 domestic service of a family or person at the family's or
18 person's home or any individual employed by the individual's
19 parent or spouse, or any person employed in an executive or
20 supervisory capacity, or any individual employed by any employer
21 employing less than two individuals, or any individual subject



1 to the jurisdiction of the federal Railway Labor Act [~~or the~~
2 ~~National Labor Relations Act~~], as amended from time to time.
3 "Employee" includes any individual subject to the jurisdiction
4 of the National Labor Relations Act, as amended from time to
5 time[, ~~but over whom the National Labor Relations Board has~~
6 ~~declined to exercise jurisdiction or has indicated by its~~
7 ~~decisions and policies that it will not assume jurisdiction~~]."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Kal Nhand



S.B. NO. 1523

Report Title:

Collective Bargaining; Private Sector Workers' Rights; Labor;
Unionization; Protections

Description:

Expands the types of employees protected by the Hawaii
Employment Relations Act to include independent contractors and
all individuals subject to the jurisdiction of the National
Labor Relations Act.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

