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# 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 the political initiative "Project  
4 2025". 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 union members, the highest union  
12 membership rates in the United States. Unionization directly  
13 contributes to the State's gross domestic product by creating  
14 higher wages and increased consumer spending. In addition to  
15 economic benefits for the State, unionization makes work  
16 environments safer, improves health and retirement benefits, and  
17 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 of 1935, not  
6   just those over whom the National Labor Relations Board has  
7   declined to 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 of 1926 [~~or~~  
2 ~~the 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 of 1935, as amended from  
5 time to time[, ~~but over whom the National Labor Relations Board~~  
6 ~~has declined to exercise jurisdiction or has indicated by its~~  
7 ~~decisions and policies that it will not assume jurisdiction~~]."

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2025-2026 and  
11 the same sum or so much thereof as may be necessary for fiscal  
12 year 2026-2027 for the Hawaii labor relations board to serve the  
13 expanded population of protected employees pursuant to this Act.

14 The sums appropriated shall be expended by the department  
15 of labor and industrial relations for the purposes of this Act.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

DLIR; HLRB; Hawaii Employment Relations Act; Collective Bargaining; Private Sector Workers' Rights; Labor; Unionization; Protections; Appropriations

**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 of 1935. Appropriates funds. Effective 7/1/2050. (SD1)

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

