
A BILL FOR AN ACT

RELATING TO TRADE SECRETS.

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

1 SECTION 1. The legislature finds that the State has an
2 interest in ensuring that innovations developed by employees in
3 this State inure to the advantage of Hawaii's workers.
4 Increasingly, economic growth is tied to innovation. Yet, there
5 is no guarantee that any jobs that result from a local
6 employee's innovation stay in Hawaii or even the United States.
7 Many employers require employees to sign agreements assigning
8 any rights that employees have to their inventions to their
9 employers as a condition of employment. The employer may then
10 develop the invention in another state or country to the
11 detriment of the individual employee and the employee's
12 co-workers.

13 The purpose of this Act is to better enable employees to
14 collectively bargain for fair compensation for employee
15 innovations.

16 SECTION 2. Chapter 482B, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§482B- Employees; fair compensation. The provisions of
2 this chapter shall not apply to an employee in a collective
3 bargaining unit, as that term is defined under section 377-1,
4 unless fair compensation was negotiated collectively between the
5 employer and the employees involved in developing an alleged
6 trade secret; provided that this section shall not apply to
7 trade secrets in existence before January 1, 2009. This section
8 shall apply even if an employee was hired specifically to
9 develop an alleged trade secret for an employer."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: 



JAN 22 2008



Report Title:

Trade Secrets; Collective Bargaining

Description:

Invalidates trade secret protections unless fair compensation is negotiated collectively with employees involved in developing the trade secret.

