

JAN 27 2010

S.B. NO. 2881

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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1       SECTION 1. Section 89-9, Hawaii Revised Statutes, is  
2 amended as follows:

3       1. By amending subsection (a) to read:

4       "(a) The employer and the exclusive representative shall  
5 meet at reasonable times, including meetings sufficiently in  
6 advance of the February 1 impasse date under section 89-11, and  
7 shall negotiate in good faith with respect to wages, hours, the  
8 benefits and amounts of contributions by the State and  
9 respective counties to the Hawaii employer-union health benefits  
10 trust fund or a voluntary employees' beneficiary association  
11 trust to the extent allowed in subsection (e), and other terms  
12 and conditions of employment that are subject to collective  
13 bargaining and that are to be embodied in a written agreement as  
14 specified in section 89-10, but the obligation does not compel  
15 either party to agree to a proposal or make a concession[+  
16 ~~provided that the parties may not negotiate with respect to cost~~  
17 ~~items as defined by section 89-2 for the biennium 1999 to 2001,~~  
18 ~~and the cost items of employees in bargaining units under~~



~~section 89-6 in effect on June 30, 1999, shall remain in effect until July 1, 2001]."~~

2. By amending subsections (d) and (e) to read:

"(d) Excluded from the subjects of negotiations are matters of classification, reclassification, ~~[benefits of but not contributions to the Hawaii employer union health benefits trust fund or a voluntary employees' beneficiary association trust,~~ and recruitment; examination; initial pricing; and retirement benefits except as provided in section 88-8(h). The employer and the exclusive representative shall not agree to any proposal that would be inconsistent with the merit principle or the principle of equal pay for equal work pursuant to section 76-1 or that would interfere with the rights and obligations of a public employer to:

- (1) Direct employees;
- (2) Determine qualifications, standards for work, and the nature and contents of examinations;
- (3) Hire, promote, transfer, assign, and retain employees in positions;
- (4) Suspend, demote, discharge, or take other disciplinary action against employees for proper cause;



(5) Relieve an employee from duties because of lack of work or other legitimate reason;

(6) Maintain efficiency and productivity, including maximizing the use of advanced technology, in government operations;

(7) Determine methods, means, and personnel by which the employer's operations are to be conducted; and

(8) Take such actions as may be necessary to carry out the missions of the employer in cases of emergencies.

This subsection shall not be used to invalidate provisions of collective bargaining agreements in effect on and after June 30, 2007, and shall not preclude negotiations over the procedures and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other disciplinary actions as a permissive subject of bargaining during collective bargaining negotiations or negotiations over a memorandum of agreement, memorandum of understanding, or other supplemental agreement.

Violations of the procedures and criteria so negotiated may be subject to the grievance procedure in the collective bargaining agreement.



(e) Negotiations relating to the benefits of and  
contributions to the Hawaii employer-union health benefits trust  
fund or a voluntary employees' beneficiary association trust  
shall be for the purpose of agreeing upon the benefits under the  
health benefits plan and amounts that the State and counties  
shall contribute under sections 87A-32 through 87A-37, toward  
the payment of the costs for a health benefits plan, as defined  
in section 87A-1 and group life insurance benefits, and the  
parties shall not be bound by the benefits and amounts  
contributed under prior agreements [~~; provided that section 89-11~~  
~~for the resolution of disputes by way of arbitration shall not~~  
~~be available to resolve impasses or disputes relating to the~~  
~~amounts the State and counties shall contribute to the Hawaii~~  
~~employer-union health benefits trust fund or a voluntary~~  
~~employees' beneficiary association trust established under~~  
~~chapter 87D~~]. "

SECTION 2. Section 89-11, Hawaii Revised Statutes, is  
amended by amending subsection (g) to read as follows:

"(g) The decision of the arbitration panel shall be final  
and binding upon the parties on all provisions submitted to the  
arbitration panel. [~~If the parties have reached agreement with~~  
~~respect to the amounts of contributions by the State and~~



~~counties to the Hawaii employer union health benefits trust fund by the tenth working day after the arbitration panel issues its decision, the final and binding agreement of the parties on all provisions shall consist of the panel's decision and the amounts of contributions agreed to by the parties. If the parties have not reached agreement with respect to the amounts of contributions by the State and counties to the Hawaii employer union health benefits trust fund by the close of business on the tenth working day after the arbitration panel issues its decision, the parties shall have five days to submit their respective recommendations for such contributions to the legislature, if it is in session, and if the legislature is not in session, the parties shall submit their respective recommendations for such contributions to the legislature during the next session of the legislature. In such event, the final and binding agreement of the parties on all provisions shall consist of the panel's decision and the amounts of contributions established by the legislature by enactment, after the legislature has considered the recommendations for such contributions by the parties.] It is strictly understood that no member of a bargaining unit subject to this subsection shall be allowed to participate in a strike on the issue of the~~



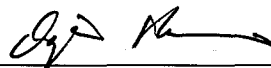
1 amounts of contributions by the State and counties to the Hawaii  
2 employer-union health benefits trust fund. The parties shall  
3 take whatever action is necessary to carry out and effectuate  
4 the final and binding agreement. The parties may, at any time  
5 and by mutual agreement, amend or modify the panel's decision.

6 Agreements reached pursuant to the decision of an  
7 arbitration panel and the amounts of contributions by the State  
8 and counties to the Hawaii employer-union health benefits trust  
9 fund, as provided herein, shall not be subject to ratification  
10 by the employees concerned. All items requiring any moneys for  
11 implementation shall be subject to appropriations by the  
12 appropriate legislative bodies and the employer shall submit all  
13 such items within ten days after the date on which the agreement  
14 is entered into as provided herein, to the appropriate  
15 legislative bodies."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY: \_\_\_\_\_



**Report Title:**

Collective Bargaining

**Description:**

Includes benefits in collective bargaining.

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

