A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

| 1 | SECT | ION 1. Section 89-13, Hawaii Revised Statutes, is | |
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| 2 | amended t | o read as follows: | |
| 3 | "§89 | -13 Prohibited practices; evidence of bad faith. (a) | |
| 4 | It shall | be a prohibited practice for a public employer or its | |
| 5 | designated representative wilfully to: | | |
| 6 | (1) | Interfere, restrain, or coerce any employee in the | |
| 7 | | exercise of any right guaranteed under this chapter; | |
| 8 | (2) | Dominate, interfere, or assist in the formation, | |
| 9 | | existence, or administration of any employee | |
| 10 | | organization; | |
| 11 | (3) | Discriminate in regard to hiring, tenure, or any term | |
| 12 | | or condition of employment to encourage or discourage | |
| 13 | | membership in any employee organization; | |
| 14 | (4) | Discharge or otherwise discriminate against an | |
| 15 | | employee because the employee has signed or filed an | |
| 16 | | affidavit, petition, or complaint or given any | |
| 17 | | information or testimony under this chapter, or | |



H.B. NO. 578

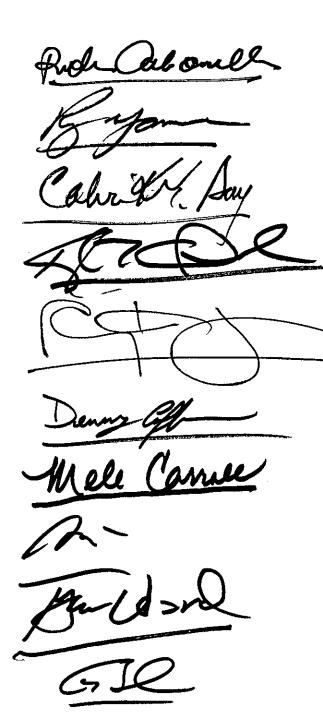
| 1 | | because the employee has informed, joined, or chosen |
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| 2 | | to be represented by any employee organization; |
| 3 | (5) | Refuse to bargain collectively in good faith with the |
| 4 | | exclusive representative as required in section 89-9; |
| 5 | (6) | Refuse to participate in good faith in the mediation |
| 6 | | and arbitration procedures set forth in section 89-11; |
| 7 | (7) | Refuse or fail to comply with any provision of this |
| 8 | | chapter; |
| 9 | (8) | Violate the terms of a collective bargaining |
| 10 | | agreement; |
| 11 | (9.) | Replace any nonessential employee for participating in |
| 12 | | a labor dispute; [or] |
| 13 | (10) | Give employment preference to an individual employed |
| 14 | | during a labor dispute and whose employment |
| 15 | | termination date occurs after the end of the dispute, |
| 16 | | over an employee who exercised the right to join, |
| 17 | | assist, or engage in lawful collective bargaining or |
| 18 | | mutual aid or protection through the labor |
| 19 | | organization involved in the dispute[+]; or |
| 20 | (11) | Implement, or attempt to implement, any term of a |
| 21 | | collective bargaining proposal without the agreement |
| 22 | | of the exclusive representative. |
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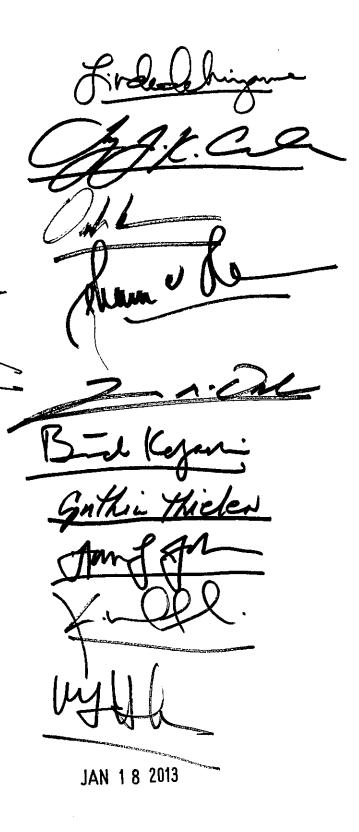
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| 1 | (b) | It shall be a prohibited practice for a public | | |
|--------------------|---|---|--|--|
| 2 | employee | or for an employee organization or its designated agent | | |
| 3 | wilfully | to: | | |
| 4 | (1) | Interfere, restrain, or coerce any employee in the | | |
| 5 | | exercise of any right guaranteed under this chapter; | | |
| 6 | (2) | Refuse to bargain collectively in good faith with the | | |
| 7 | | public employer, if it is an exclusive representative, | | |
| 8 | | as required in section 89-9; | | |
| 9 | (3) | Refuse to participate in good faith in the mediation | | |
| 10 | | and arbitration procedures set forth in section 89-11; | | |
| 11 | (4) | Refuse or fail to comply with any provision of this | | |
| 12 | | chapter; [or] | | |
| 13 | (5) | Violate the terms of a collective bargaining | | |
| 14 | | agreement[-]; or | | |
| 15 | (6) | Implement, or attempt to implement, any term of a | | |
| 16 | | collective bargaining proposal without the agreement | | |
| 17 | T | of the employer." | | |
| 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. | | | |
| 21 | 21 INTRODUCED BY: | | | |
| HB LRB 13-0457.doc | | | | |







Report Title:

Collective Bargaining; Prohibited Practices; Public Employment; Bad Faith

Description:

Prohibits: (1) a public employer from wilfully implementing or attempting to implement any term of a collective bargaining proposal without the exclusive representative's agreement; and (2) a public employee or employee organization from wilfully implementing or attempting to implement any term of a collective bargaining proposal without the employer's agreement.

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

