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	
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	



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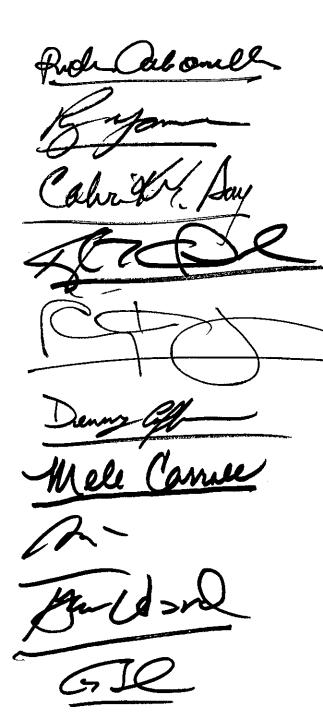
1		because the employee has informed, joined, or chosen
2		to be represented by any employee organization;
3	(5)	Refuse to bargain collectively in good faith with the
4		exclusive representative as required in section 89-9;
5	(6)	Refuse to participate in good faith in the mediation
6		and arbitration 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.

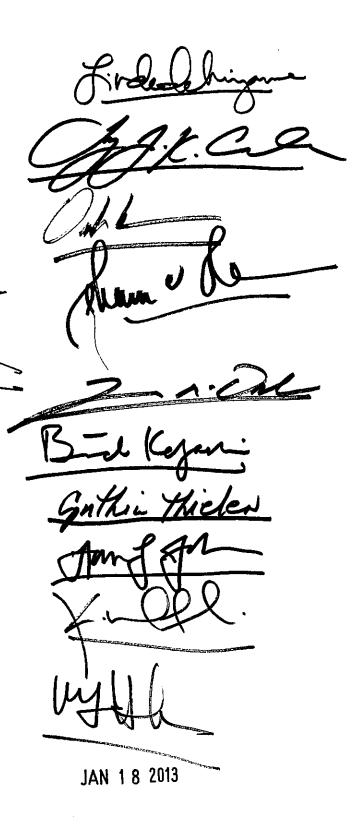
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1	(b)	It shall be a prohibited practice for a public		
2	employee	or for an employee organization or its designated agent		
3	wilfully	to:		
4	(1)	Interfere, restrain, or coerce any employee in the		
5		exercise of any right guaranteed under this chapter;		
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.

