

JAN 22 2016

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 to the extent allowed in subsection (e), and other
11 terms and conditions of employment which are subject to
12 collective bargaining and which are to be embodied in a written
13 agreement as specified in section 89-10, but such obligation
14 does not compel either party to agree to a proposal or make a
15 concession.

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



1 "(d) Excluded from the subjects of negotiations are
2 matters of classification, reclassification, [~~benefits of but~~
3 ~~not contributions to the Hawaii employer union health benefits~~
4 ~~trust fund,~~] recruitment, examination, initial pricing, and
5 retirement benefits except as provided in section 88-8(h). The
6 employer and the exclusive representative shall not agree to any
7 proposal which would be inconsistent with the merit principle or
8 the principle of equal pay for equal work pursuant to section
9 76-1 or which would interfere with the rights and obligations of
10 a public employer to:

- 11 (1) Direct employees;
- 12 (2) Determine qualifications, standards for work, and the
13 nature and contents of examinations;
- 14 (3) Hire, promote, transfer, assign, and retain employees
15 in positions;
- 16 (4) Suspend, demote, discharge, or take other disciplinary
17 action against employees for proper cause;
- 18 (5) Relieve an employee from duties because of lack of
19 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



1 fund shall be for the purpose of agreeing upon the benefits
2 under the health benefits plan and amounts which the State and
3 counties shall contribute under section 87A-32, toward the
4 payment of the costs for a health benefits plan, as defined in
5 section 87A-1, and group life insurance benefits, and the
6 parties shall not be bound by the benefits and amounts
7 contributed under prior agreements[~~; provided that section 89-11~~
8 ~~for the resolution of disputes by way of arbitration shall not~~
9 ~~be available to resolve impasses or disputes relating to the~~
10 ~~amounts the State and counties shall contribute to the Hawaii~~
11 ~~employer union health benefits trust fund] ."~~

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

14 "(g) The decision of the arbitration panel shall be final
15 and binding upon the parties on all provisions submitted to the
16 arbitration panel. [~~If the parties have reached agreement with~~
17 ~~respect to the amounts of contributions by the State and~~
18 ~~counties to the Hawaii employer union health benefits trust fund~~
19 ~~by the tenth working day after the arbitration panel issues its~~
20 ~~decision, the final and binding agreement of the parties on all~~
21 ~~provisions shall consist of the panel's decision and the amounts~~



1 ~~of contributions agreed to by the parties. If the parties have~~
2 ~~not reached agreement with respect to the amounts of~~
3 ~~contributions by the State and counties to the Hawaii employer-~~
4 ~~union health benefits trust fund by the close of business on the~~
5 ~~tenth working day after the arbitration panel issues its~~
6 ~~decision, the parties shall have five days to submit their~~
7 ~~respective recommendations for such contributions to the~~
8 ~~legislature, if it is in session, and if the legislature is not~~
9 ~~in session, the parties shall submit their respective~~
10 ~~recommendations for such contributions to the legislature during~~
11 ~~the next session of the legislature. In such event, the final~~
12 ~~and binding agreement of the parties on all provisions shall~~
13 ~~consist of the panel's decision and the amounts of contributions~~
14 ~~established by the legislature by enactment, after the~~
15 ~~legislature has considered the recommendations for such~~
16 ~~contributions by the parties.] It is strictly understood that~~
17 ~~no member of a bargaining unit subject to this subsection shall~~
18 ~~be allowed to participate in a strike on the issue of the~~
19 ~~amounts of contributions by the State and counties to the Hawaii~~
20 ~~employer-union health benefits trust fund. The parties shall~~
21 ~~take whatever action is necessary to carry out and effectuate~~



1 the final and binding agreement. The parties may, at any time
2 and by mutual agreement, amend or modify the panel's decision.
3 Agreements reached pursuant to the decision of an
4 arbitration panel and the amounts of contributions by the State
5 and counties to the Hawaii employer-union health benefits trust
6 fund, as provided herein, shall not be subject to ratification
7 by the employees concerned. All items requiring any moneys for
8 implementation shall be subject to appropriations by the
9 appropriate legislative bodies and the employer shall submit all
10 such items within ten days after the date on which the agreement
11 is entered into as provided herein, to the appropriate
12 legislative bodies."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
16

INTRODUCED BY:

~~SEN. DAVID AGUIAR~~
Michelle Tedeschi



S.B. NO. 2435

Report Title:

Employer-Union Trust Fund; Collective Bargaining; Public Employees

Description:

Specifies that the benefits of the Hawaii employer-union health benefits trust fund are subject to negotiation. Clarifies that a decision of an arbitration panel shall be final.

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

