



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 11, 2017

GOV. MSG. NO. 1268

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott D. Saiki, Speaker
and Members of the House
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB410 SD1 HD1, without my approval, and with the statement of objections relating to the measure.

SB410 SD1 HD1

RELATING TO COLLECTIVE BARGAINING

Sincerely,

A handwritten signature in black ink, reading "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 11, 2017

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 410

Honorable Members
Twenty-Ninth Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 410, entitled "A Bill for an Act Relating to Collective Bargaining."

The purpose of this bill is to clarify the scope of collective bargaining negotiations regarding the rights and obligations of a public employer.

This bill is objectionable because it directly impacts the ability of state departments to effectively manage its workforce and it seeks to dismantle essential management rights presently protected by section 89-9(d), Hawaii Revised Statutes. The bill would effectively negate management rights to direct its workforce and require union consent on such matters as assignment, transfer, and discipline.

For the foregoing reasons, I am returning Senate Bill No. 410 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige", written in a cursive style.

DAVID Y. IGE
Governor of Hawai'i

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawai'i, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 410, entitled "A Bill for an Act Relating to Collective Bargaining," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 410 is unacceptable to the Governor of the State of Hawai'i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawai'i, giving notice of my plan to return Senate Bill No. 410 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 11
day of July, 2017.



DAVID Y. IGE
Governor of Hawai'i

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

- 13 (1) Direct employees;
14 (2) Determine qualifications, standards for work, and the
15 nature and contents of examinations;
16 (3) Hire, promote, transfer, assign, and retain employees
17 in positions;



- 1 (4) Suspend, demote, discharge, or take other disciplinary
2 action against employees for proper cause; .
- 3 (5) Relieve an employee from duties because of lack of
4 work or other legitimate reason;
- 5 (6) Maintain efficiency and productivity, including
6 maximizing the use of advanced technology, in
7 government operations;
- 8 (7) Determine methods, means, and personnel by which the
9 employer's operations are to be conducted; and
- 10 (8) Take such actions as may be necessary to carry out the
11 missions of the employer in cases of emergencies.

12 This subsection shall not be used to invalidate provisions
13 of collective bargaining agreements in effect on and after
14 June 30, 2007, and shall not preclude negotiations over either
15 the procedures and criteria on promotions, transfers,
16 assignments, demotions, layoffs, suspensions, terminations,
17 discharges, or other disciplinary actions [~~as a permissive~~
18 ~~subject of bargaining~~] or the implementation by the employer of
19 paragraphs (1) through (8), if it affects terms and conditions
20 of employment, during collective bargaining negotiations or



1 negotiations over a memorandum of agreement, memorandum of
2 understanding, or other supplemental agreement.

3 Violations of the procedures [~~and~~], criteria, and
4 implementation so negotiated may be subject to the grievance
5 procedure in the collective bargaining agreement."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2017.

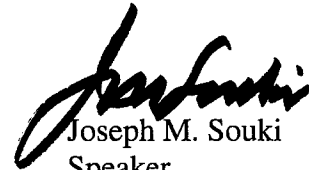
APPROVED this day of , 2017

GOVERNOR OF THE STATE OF HAWAII

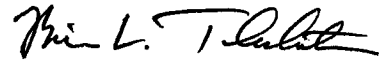
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 6, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives

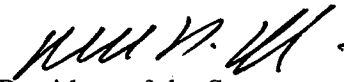


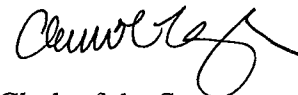
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: April 27, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate