
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 January 7, 2059.



Report Title:

Collective Bargaining; Negotiations

Description:

Clarifies the allowable scope of collective bargaining negotiations regarding the rights and obligations of a public employer. Takes effect 1/7/2059. (SD1)

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