
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~~] that would be inconsistent with the merit principle or
10 the principle of equal pay for equal work pursuant to section
11 76-1 or [~~which~~] that would interfere with the rights and
12 obligations of a 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 [~~sueh~~] actions as may be necessary to carry out
- 11 the 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 except as otherwise provided in this chapter,
15 shall not preclude negotiations over the implementation of
16 management decisions that affect terms and conditions of
17 employment that are subject to collective bargaining. Further,
18 this subsection shall not preclude negotiations over the
19 procedures and criteria on promotions, transfers, assignments,
20 demotions, layoffs, suspensions, terminations, discharges, or
21 other disciplinary actions as [~~a permissive subject~~] subjects of



1 bargaining during collective bargaining negotiations or
2 negotiations over a memorandum of agreement, memorandum of
3 understanding, or other supplemental agreement [-]; provided that
4 such obligation shall not compel either party to agree to a
5 proposal or make a concession.

6 Violations of the procedures and criteria so negotiated may
7 be subject to the grievance procedure in the collective
8 bargaining agreement."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Employment; Collective Bargaining; Scope of Negotiations

Description:

Provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations. Specifies that negotiations over the procedures and criteria of certain subjects of bargaining shall not compel either party to agree to a proposal or make a concession. (SD1)

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