

JAN 20 2023

---

# 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 (f) to read as follows:

3           "(f) The repricing of classes within an appropriate  
4 bargaining unit [~~may~~] shall be negotiated and determined as  
5 follows[+]; provided that the parties may mutually agree on  
6 repricing procedures in conformance to this section:

7           (1) [~~At the request of~~] Within thirty days of receipt of a  
8 written request from the exclusive representative to  
9 negotiate and at times allowed under the collective  
10 bargaining agreement, the employer shall negotiate the  
11 repricing of classes within the bargaining unit. The  
12 negotiated repricing actions that constitute cost  
13 items shall be subject to the requirements in section  
14 89-10; and

15           (2) [~~If repricing has not been negotiated under the~~  
16 ~~employer of each jurisdiction shall ensure~~  
17 ~~establishment of procedures to periodically review, at~~



1       ~~least once in five years, unless otherwise agreed to~~  
2       ~~by the parties, the repricing of classes within the~~  
3       ~~bargaining unit. The repricing of classes based on~~  
4       ~~the results of the periodic review shall be at the~~  
5       ~~discretion of the employer. Any appropriations~~  
6       ~~required to implement the repricing actions that are~~  
7       ~~made at the employer's discretion shall not be~~  
8       ~~construed as cost items.] If the employer fails to~~  
9       ~~timely initiate a negotiation in compliance with~~  
10       ~~paragraph (1) or the parties cannot reach an agreement~~  
11       ~~within ninety days after the exclusive~~  
12       ~~representative's written request to negotiate or by~~  
13       ~~January 31 of a year in which the agreement is due to~~  
14       ~~expire, whichever is earlier, an impasse exists and~~  
15       ~~the impasse procedures in section 89-11 shall apply."~~

16       SECTION 2. Section 89-11, Hawaii Revised Statutes, is  
17       amended by amending subsection (b) to read as follows:

18       "(b) An impasse during the term of a collective bargaining  
19       agreement on reopened items or items regarding a supplemental  
20       agreement shall not be subject to the impasse procedures in this  
21       section[~~-~~]; provided that an employer's failure to timely



1 initiate a negotiation on repricing of classes within a  
2 bargaining unit pursuant to section 89-9(f)(1) or the parties'  
3 failure to reach an agreement on repricing within the timeframe  
4 set forth in section 89-9(f)(2) shall constitute an impasse, to  
5 which the impasse procedures in this section shall apply. The  
6 parties may mutually agree on an impasse procedure, but if the  
7 procedure culminates in an arbitration decision, the decision  
8 shall be pursuant to subsection (f)."

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 upon its approval.

12

INTRODUCED BY:



# S.B. NO. 1058

**Report Title:**

Collective Bargaining in Public Employment; Repricing of Classes; Negotiations; Impasse Procedures

**Description:**

Requires the employer to initiate negotiations on repricing of classes within a bargaining unit within 30 days of its receipt of the exclusive representative's written request to negotiate. Establishes that the employer's failure to initiate the negotiation within such time frame and the parties' failure to reach an agreement within ninety day of the exclusive representative's written request to negotiate or by January 31 of a year in which the collective bargaining agreement is due to expire, whichever is earlier, constitute an impasse to which the impasse procedures in section 89-11, Hawaii Revised Statutes, shall apply.

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

