
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:

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

14 (2) [~~If repricing has not been negotiated under paragraph~~
15 ~~(1), the employer of each jurisdiction shall ensure~~
16 ~~establishment of procedures to periodically review, at~~
17 ~~least once in five years, unless otherwise agreed to~~



1 ~~by the parties, the repricing of classes within the~~
2 ~~bargaining unit. The repricing of classes based on~~
3 ~~the results of the periodic review shall be at the~~
4 ~~discretion of the employer. Any appropriations~~
5 ~~required to implement the repricing actions that are~~
6 ~~made at the employer's discretion shall not be~~
7 ~~construed as cost items.] If the employer fails to~~
8 ~~timely initiate a negotiation in compliance with~~
9 ~~paragraph (1) or the parties cannot reach an agreement~~
10 ~~within ninety days after the exclusive~~
11 ~~representative's written request to negotiate or by~~
12 ~~January 31 of a year in which the agreement is due to~~
13 ~~expire, whichever is earlier, an impasse exists and~~
14 ~~the impasse procedures in section 89-11 shall apply;~~
15 ~~provided that the parties may mutually agree on repricing~~
16 ~~procedures in conformance with this section; provided further~~
17 ~~that a repricing request can only be submitted once per~~
18 ~~occupation in any eighteen-month period; provided further that~~
19 ~~impasse procedures shall not apply if the impasse occurs within~~
20 ~~one hundred eighty days after a collective bargaining agreement~~



1 has been reached between the employer and the exclusive
2 representative of the bargaining unit."

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

5 "(b) An impasse during the term of a collective bargaining
6 agreement on reopened items or items regarding a supplemental
7 agreement shall not be subject to the impasse procedures in this
8 section[-]; provided that an employer's failure to timely
9 initiate a negotiation on repricing of classes within a
10 bargaining unit pursuant to section 89-9(f)(1) or the parties'
11 failure to reach an agreement on repricing within the timeframe
12 set forth in section 89-9(f)(2) shall constitute an impasse, to
13 which the impasse procedures in this section shall apply. The
14 parties may mutually agree on an impasse procedure, but if the
15 procedure culminates in an arbitration decision, the decision
16 shall be pursuant to subsection (f)."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 3000.



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 thirty 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 days 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, constitutes an impasse to which the impasse procedures shall apply, under certain conditions. Effective 7/1/3000. (HD1)

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