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# 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.] Failure of the employer to~~  
8           ~~timely initiate a negotiation in compliance with~~  
9           ~~paragraph (1) or of the parties to reach an agreement~~  
10           ~~within ninety days after the exclusive~~  
11           ~~representative's written request to negotiate, or by~~  
12           ~~January 31 of the year in which the agreement is due~~  
13           ~~to expire, whichever occurs earlier, shall constitute~~  
14           ~~an impasse and the dispute shall be subject to the~~  
15           ~~impasse procedures in section 89-11;~~

16           provided that the parties may mutually agree on repricing  
17           procedures in conformance with this section; provided further  
18           that a repricing request shall only be submitted once per  
19           occupation during any eighteen-month period."

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



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

13           SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16           SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

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

**Description:**

Requires employers 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 this time frame and the parties' failure to  
reach an agreement within 90 days of the exclusive  
representative's written request to negotiate, or by January 31  
of the year in which the collective bargaining agreement is due  
to expire, whichever is earlier, constitute an impasse and the  
dispute shall be subject to the impasse procedures in  
section 89-11, HRS. Takes effect of 7/1/2050. (SD1)

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

