

JAN 19 2024

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, and initial [~~pricing, and~~
7 ~~retirement benefits except as provided in section 88-8(h).~~]
8 pricing. The employer and the exclusive representative shall
9 not agree to any proposal that would be inconsistent with the
10 merit principle or the principle of equal pay for equal work
11 pursuant to section 76-1 or that would interfere with the rights
12 and 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 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 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 subjects of bargaining during



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

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

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 Statutory material to be repealed is bracketed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

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

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Z. A. -", written over a horizontal line.

S.B. NO. 2716

Report Title:

Collective Bargaining; Retirement Benefits.

Description:

Allows retirement benefits to be negotiated during collective bargaining negotiations.

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

