

JAN 21 2026

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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)~~]. The
8 employer and the exclusive representative shall not agree to any
9 proposal 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 that would interfere with the rights and obligations of
12 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;



12 This subsection shall not be used to invalidate provisions
13 of collective bargaining agreements in effect on and after June
14 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



S.B. NO. 2388

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

6 Violations of the procedures and criteria [so] negotiated
7 may 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 Statutory material to be repealed is bracketed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 on July 1, 2026.

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INTRODUCED BY:

2026-0358 SB SMA.docx



S.B. NO. 2388

Report Title:

Collective Bargaining; Scope of Negotiations; Exclusions;
Retirement Benefits

Description:

Allows public employers and exclusive representatives of
bargaining units to negotiate certain retirement benefits.

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