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# 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;



- 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 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



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, 3000.



**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.  
Effective 7/1/3000. (HD1)

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

