
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89-10.8, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "~~{}~~§89-10.8~~{}~~ **Resolution of disputes; grievances.** (a)

5 A public employer shall enter into written agreement with the
6 exclusive representative setting forth a grievance procedure
7 culminating in a final and binding decision, to be invoked in
8 the event of any dispute concerning the interpretation or
9 application of a written agreement. The grievance procedure
10 shall be valid and enforceable, and shall be consistent with the
11 following:

12 (1) A dispute over the terms of an initial or renewed
13 agreement shall not constitute a grievance;

14 (2) ~~[No employee in a position exempted from chapter 76,~~
15 ~~who serves at the pleasure of the appointing~~
16 ~~authority, shall be allowed to grieve a suspension or~~
17 ~~discharge]~~ Any employee who is a member of an



1 appropriate bargaining unit shall be allowed to grieve
2 any disciplinary action, including but not limited to
3 a suspension or disciplinary discharge, unless the
4 collective bargaining agreement specifically provides
5 otherwise; and
6 (3) With respect to any adverse action resulting from an
7 employee's failure to meet performance requirements of
8 the employee's position, the grievance procedure shall
9 provide that the final and binding decision shall be
10 made by a performance judge as provided in this
11 section."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect on January 1, 2077.

Report Title:

Collective Bargaining; Grievance Procedure; Suspension;
Discharge; Discipline; Exempt Employees

Description:

Repeals the prohibition placed on certain employees exempt from Civil Service Law from grieving a suspension or discharge. Allows any employee who is a member of an appropriate bargaining unit to grieve any disciplinary action, unless prohibited by the applicable collective bargaining agreement. Effective 1/1/2077. (SD2)

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