THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

S.B. NO.

A BILL FOR AN ACT VETO OVERRIDE

RELATING TO LABOR.

Approved: 4 May

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

- 1 SECTION 1. Section 89-9, Hawaii Revised Statutes, is
- 2 amended as follows:
- 3 By amending subsection (d) to read:
- 4 "(d) Excluded from the subjects of negotiations are
- 5 matters of classification, reclassification, benefits of but not
- 6 contributions to the Hawaii employer-union health benefits trust
- fund or a voluntary employees' beneficiary association trust; 7
- 8 recruitment; examination; initial pricing; and retirement
- 9 benefits except as provided in section 88-8(h). The employer
- 10 and the exclusive representative shall not agree to any proposal
- 11 that would be inconsistent with the merit principle or the
- 12 principle of equal pay for equal work pursuant to section 76-1
- 13 or that would interfere with the rights and obligations of a
- public employer to: 14
- 15 (1) Direct employees;
- 16 (2) Determine qualifications, standards for work, and the
- 17 nature and contents of examinations;

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| 1 | (3) | Hire, promote, transfer, assign, and retain employees |
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| 2 | | in positions; |
| 3 | (4) | Suspend, demote, discharge, or take other disciplinary |
| 4 | | action against employees for proper cause; |
| 5 | (5) | Relieve an employee from duties because of lack of |
| 6 | | work or other legitimate reason; |
| 7 | (6) | Maintain efficiency and productivity, including |
| 8 | | maximizing the use of advanced technology, in |
| 9. | | government operations; |
| 10 | (7) | Determine methods, means, and personnel by which the |
| 11 | | employer's operations are to be conducted; and |
| 12 | (8) | Take such actions as may be necessary to carry out the |
| 13 | | missions of the employer in cases of emergencies. |
| 14 | [The | employer and the exclusive representative may |
| 15 | negotiate | -procedures governing the promotion and transfer of |
| 16 | employees | to positions within a bargaining unit; the suspension, |
| 17 | demotion, | discharge, or other disciplinary actions taken against |
| 18 | employees | within the bargaining unit; and the layoff of |
| 19 | employees | within the bargaining unit. Violations of the |
| 20 | procedure | s so negotiated may be subject to the grievance |
| 21 | procedure | in the collective bargaining agreement.] This |
| 22 | subsection | n shall not be used to invalidate provisions of |

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- collective bargaining agreements in effect on and after June 30, 1 2 2007, and shall not preclude negotiations over the procedures 3 and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other 5 disciplinary actions as a permissive subject of bargaining 6 during collective bargaining negotiations or negotiations over a 7 memorandum of agreement, memorandum of understanding, or other 8 supplemental agreement. 9 Violations of the procedures and criteria so negotiated may 10 be subject to the grievance procedure in the collective 11 bargaining agreement." 12 2. By amending subsection (f) to read: 13 The repricing of classes within an appropriate 14 bargaining unit may be negotiated as follows: 15 At the request of the exclusive representative and at (1)16 times allowed under the collective bargaining 17 agreement, the employer shall negotiate the repricing 18 of classes within the bargaining unit. The negotiated repricing actions that constitute cost items shall be 19
 - (1), the employer of each jurisdiction shall ensure

subject to the requirements in section 89-10[+]; and

If repricing has not been negotiated under paragraph

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(2)

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| 1 | establishment of procedures to periodically review, at | |
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| 2 | least once in five years, unless otherwise agreed to | |
| 3 | by the parties, the repricing of classes within the | |
| 4 | bargaining unit. The repricing of classes based on | |
| 5 | the results of the periodic review shall be at the | |
| 6 | discretion of the employer. Any appropriations | |
| 7 | required to implement the repricing actions that are | |
| 8 | made at the employer's discretion shall not be | |
| 9 | construed as cost items." | |
| 10 | SECTION 2. Statutory material to be repealed is bracketed | |
| 11 | and stricken. New statutory material is underscored. | |
| 12 | SECTION 3. This Act shall take effect on July 1, 2007; | |
| 13 | provided that the amendments made to section 89-9(d), Hawaii | |
| 14 | Revised Statutes, by this Act shall not be repealed when that | |
| 15 | section is re-enacted on July 1, 2008, by section 8 of Act 245, | |
| 16 | Session Laws of Hawaii, 2005. | |