
A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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 1. 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
7 fund or a voluntary employees' beneficiary association trust;
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
14 public employer to:
15 (1) Direct employees;
16 (2) Determine qualifications, standards for work, and the
17 nature and contents of examinations;



- 1 (3) Hire, promote, transfer, assign, and retain employees
- 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 ~~procedures so negotiated may be subject to the grievance~~
21 ~~procedure in the collective bargaining agreement.] This~~
22 subsection shall not to be used to invalidate provisions of



1 collective bargaining agreements in effect on and after July 1,
2 2007; shall not preclude negotiations over the procedures and
3 criteria on promotions, transfers, assignments, demotions,
4 layoffs, suspensions, terminations, discharges, or other
5 disciplinary actions; and shall require negotiations over the
6 impact of transfers, assignments, and layoffs of public
7 employees.

8 Violations of the procedures and criteria so negotiated may
9 be subject to the grievance procedure in the collective
10 bargaining agreement."

11 2. By amending subsection (f) to read:

12 "(f) The repricing of classes within an appropriate
13 bargaining unit may be negotiated as follows:

14 (1) At the request of the exclusive representative and at
15 times allowed under the collective bargaining
16 agreement, the employer shall negotiate the repricing
17 of classes within the bargaining unit. The negotiated
18 repricing actions that constitute cost items shall be
19 subject to the requirements in section 89-10[~~7~~]; and

20 (2) If repricing has not been negotiated under paragraph
21 (1), the employer of each jurisdiction shall ensure
22 establishment of procedures to periodically review, at



1 least once in five years, unless otherwise agreed to
2 by the parties, the repricing of classes within the
3 bargaining unit. The repricing of classes based on
4 the results of the periodic review shall be at the
5 discretion of the employer. Any appropriations
6 required to implement the repricing actions that are
7 made at the employer's discretion shall not be
8 construed as cost items."

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, 2059;
12 provided that the amendments made to section 89-9, Hawaii
13 Revised Statutes, by this Act shall not be repealed when that
14 section is reenacted on July 1, 2008, by section 8 of Act 245,
15 Session Laws of Hawaii 2005.



Report Title:

Public Employees; Collective Bargaining

Description:

Allows a public employer to negotiate procedures and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other disciplinary actions; requires negotiation over the impact of transfers, assignments, and layoffs of public employees. (HB859 HD2)

