

JAN 24 2007

A BILL FOR AN ACT

RELATING TO LABOR.

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) [~~Repeal and reenactment on July 1, 2008. L 2005, c~~
4 ~~245, §8.~~] 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 be used to invalidate provisions of



1 collective bargaining agreements in effect on and after June 30,
2 2007; and shall not preclude negotiations over the procedures
3 and criteria on promotions, transfers, assignments, demotions,
4 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 be
10 subject to the grievance procedure in the collective bargaining
11 agreement.

12 SECTION 2. Section 89-9, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

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

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

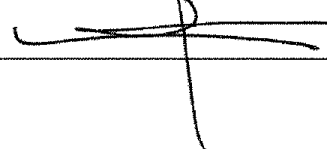


1 (2) If repricing has not been negotiated under paragraph
2 (1), the employer of each jurisdiction shall ensure
3 establishment of procedures to periodically review, at
4 least once in five years, unless otherwise agreed to
5 by the parties, the repricing of classes within the
6 bargaining unit. The repricing of classes based on
7 the results of the periodic review shall be at the
8 discretion of the employer. Any appropriations
9 required to implement the repricing actions that are
10 made at the employer's discretion shall not be
11 construed as cost items."

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 upon its approval.

INTRODUCED BY: _____

 (B/A)

15

16



Report Title:

LABOR

Description:

Amending Sections 89-9(d) by clarifying that certain statutory actions shall not be used to invalidate collective bargaining agreements in effect on and after June 30, 2007 and such actions may be included in collective bargaining agreements.

