
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 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 or a voluntary employees' beneficiary association trust;
7 recruitment; examination; initial pricing; and retirement
8 benefits except as provided in section 88-8(h). The employer
9 and the exclusive representative shall not agree to any proposal
10 that would be inconsistent with the merit principle or the
11 principle of equal pay for equal work pursuant to section 76-1
12 or that would interfere with the rights and obligations of a
13 public employer to:

- 14 (1) Direct employees;
- 15 (2) Determine qualifications, standards for work, and the
16 nature and contents of examinations;
- 17 (3) Hire, promote, transfer, assign, and retain employees
18 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 such actions as may be necessary to carry out the
11 missions of the employer in cases of emergencies.

12 ~~[The employer and the exclusive representative may~~
13 ~~negotiate procedures governing the promotion and transfer of~~
14 ~~employees to positions within a bargaining unit; the suspension,~~
15 ~~demotion, discharge, or other disciplinary actions taken against~~
16 ~~employees within the bargaining unit; and the layoff of~~
17 ~~employees within the bargaining unit. Violations of the~~
18 ~~procedures so negotiated may be subject to the grievance~~
19 ~~procedure in the collective bargaining agreement.] This~~
20 subsection shall not be used to invalidate provisions of
21 collective bargaining agreements in effect on and after June 30,
22 2007, and shall not preclude negotiations over the procedures



1 and criteria on promotions, transfers, assignments, demotions,
2 layoffs, suspensions, terminations, discharges, or other
3 disciplinary actions as a permissive subject of bargaining
4 during collective bargaining negotiations or negotiations over a
5 memorandum of agreement, memorandum of understanding, or other
6 supplemental agreement.

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

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

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[-]; 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 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon July 1, 2059;
12 provided that the amendments made to section 89-9(d), Hawaii
13 Revised Statutes, by this Act shall not be repealed when that
14 section is reenacted on July 1, 2007 by section 8 of Act 245,
15 Session Laws of Hawai'i, 2005.



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. (SD1)

