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## A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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

1           SECTION 1. The purpose of this Act is to expressly  
2 authorize a state employer and exclusive representative to enter  
3 into a supplemental or memorandum of agreement to establish a  
4 furlough program for state employees from July 1, 2009, until  
5 June 30, 2011.

6           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
7 amended by amending subsection (e) to read as follows:

8           "(e) In addition to a collective bargaining agreement  
9 under subsection (d), each employer may negotiate, independently  
10 of one another, supplemental agreements that apply to their  
11 respective employees; provided that any supplemental agreement  
12 reached between the employer and the exclusive representative  
13 shall not extend beyond the term of the applicable collective  
14 bargaining agreement and shall not require ratification by  
15 employees in the bargaining unit.

16           Notwithstanding the preceding paragraph, each state  
17 employer may negotiate, independently of one another and of any  
18 county employer, a supplemental or memorandum of agreement to



1 establish a furlough program applicable from July 1, 2009, until  
2 June 30, 2011, only to state employees. Under the furlough  
3 program, an employee covered by the agreement may be furloughed  
4 without pay for not more than one day per month. Such an  
5 agreement shall not require ratification by employees covered by  
6 the agreement or by county employees belonging to the same  
7 bargaining unit."

8 SECTION 3. Section 89-10, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Any collective bargaining agreement reached between  
11 the employer and the exclusive representative shall be subject  
12 to ratification by the employees concerned, except for an  
13 agreement reached pursuant to an arbitration decision.  
14 Ratification is not required for other agreements effective  
15 during the term of the collective bargaining agreement, whether  
16 a supplemental agreement, an agreement on reopened items, or a  
17 memorandum of agreement, [~~and~~] any agreement to extend the  
18 term of the collective bargaining agreement[-], or, as provided  
19 under section 89-6(e), any agreement establishing a furlough  
20 program for state employees between July 1, 2009, and June 30,  
21 2011. The agreement shall be reduced to writing and executed by  
22 both parties. Except for cost items and any non-cost items that



1 are tied to or bargained against cost items, all provisions in  
 2 the agreement that are in conformance with this chapter,  
 3 including a grievance procedure and an impasse procedure  
 4 culminating in an arbitration decision, shall be valid and  
 5 enforceable and shall be effective as specified in the  
 6 agreement, regardless of the requirements to submit cost items  
 7 under this section and section 89-11."

8 SECTION 4. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval  
 11 and shall be repealed on June 30, 2011; provided that:

12 (1) Sections 89-6(e) and 89-10(a), Hawaii Revised  
 13 Statutes, shall be reenacted in the form in which they  
 14 read on the day before the effective date of this Act;  
 15 and

16 (2) The amendment made to section 89-6(e) in section 2 of  
 17 this Act shall not be repealed when section 89-6,  
 18 Hawaii Revised Statutes, is reenacted on July 1, 2010,  
 19 pursuant to Act 5, Special Session Laws of Hawaii  
 20 2008.

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INTRODUCED BY: Calvin K. Boy

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**Report Title:**

Collective Bargaining; Supplemental or Memorandum of Agreement  
for Furlough Program for State Employees

**Description:**

Provides that a state employer and exclusive representative may  
enter into a supplemental or memorandum of agreement to  
establish a furlough program for state employees from 7/1/09 to  
6/30/11.

