
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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,~~] related to:

5 (1) Classification, reclassification, benefits of, but not
6 contributions to the Hawaii employer-union health
7 benefits trust fund or a voluntary employees'
8 beneficiary association trust; [~~recruitment;~~]

9 (2) Recruitment; [~~examination;~~]

10 (3) Examination; [~~initial pricing; and~~]

11 (4) Initial pricing; [~~retirement~~]

12 (5) Retirement benefits, except as provided in section
13 88-8(h) [~~;~~]; and

14 (6) The duration of any collective bargaining agreement
15 that is the result of the negotiations, to the extent
16 that the duration of any agreement shall not be less
17 than four years.



1 The employer and the exclusive representative shall not
2 agree to any proposal that would be inconsistent with the merit
3 principle or the principle of equal pay for equal work pursuant
4 to section 76-1 or that would interfere with the rights and
5 obligations of a public employer to:

- 6 (1) Direct employees;
- 7 (2) Determine qualifications, standards for work, and the
8 nature and contents of examinations;
- 9 (3) Hire, promote, transfer, assign, and retain employees
10 in positions;
- 11 (4) Suspend, demote, discharge, or take other disciplinary
12 action against employees for proper cause;
- 13 (5) Relieve an employee from duties because of lack of
14 work or other legitimate reason;
- 15 (6) Maintain efficiency and productivity, including
16 maximizing the use of advanced technology, in
17 government operations;
- 18 (7) Determine methods, means, and personnel by which the
19 employer's operations are to be conducted; and
- 20 (8) Take such actions as may be necessary to carry out the
21 missions of the employer in cases of emergencies.



1 This subsection shall not be used to invalidate provisions
2 of collective bargaining agreements in effect on and after June
3 30, 2007, and shall not preclude negotiations over the
4 procedures and criteria on promotions, transfers, assignments,
5 demotions, layoffs, suspensions, terminations, discharges, or
6 other disciplinary actions as a permissive subject of bargaining
7 during collective bargaining negotiations or negotiations over a
8 memorandum of agreement, memorandum of understanding, or other
9 supplemental agreement.

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

13 SECTION 2. This Act shall not apply to any collective
14 bargaining agreement ratified prior to its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.



H.B. NO. 1974

1 SECTION 4. This Act shall take effect on July 1, 2010;
2 provided that the amendments made to section 89-9, Hawaii
3 Revised Statutes, in this Act shall not be repealed when the
4 section is reenacted by Act 5, Special Session Laws of Hawaii
5 2008.

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Report Title:

Collective Bargaining; Agreement Duration

Description:

Restricts the duration of collective bargaining agreements to not less than four years.

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