

JAN 27 2010

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. The legislature declares that it is the public
2 policy of the State to protect the public by assuring effective
3 and orderly operations of government.

4 The legislature finds that joint decision-making is the
5 modern way of administering government operations. When public
6 employees have been given the right to share in the
7 decision-making process affecting wages and working conditions,
8 they have become more responsive and better able to exchange
9 ideas and information on government operations with
10 administrators. The result is more effective and efficient
11 government operations.

12 The legislature further finds that statutes establishing
13 guidelines for public employment relations is the best way to
14 harness and direct the energies of public employees eager to
15 have a voice in determining their working conditions; to provide
16 a rational method for dealing with disputes and work stoppages;
17 and to maintain an amicable labor environment.



1 The legislature further finds that the recent issue of
2 imposed public employee furlough days has been contentious and
3 disruptive to the lives of public employees and students.

4 The purpose of this Act is to clarify the scope of
5 negotiation in collective bargaining to include the issue of
6 negotiation on furloughs.

7 SECTION 2. Section 89-2, Hawaii Revised Statutes, is
8 amended by adding a new definition to be appropriately inserted
9 and to read as follows:

10 "Furlough" means a temporary layoff from work without pay
11 or any other term having similar effect, including furlough
12 which occurs during the period of a collective bargaining
13 agreement that has been previously executed if that collective
14 bargaining agreement did not include an agreement on furlough."

15 SECTION 3. Section 89-2, Hawaii Revised Statutes, is
16 amended by amending the definition of "collective bargaining" to
17 read as follows:

18 "Collective bargaining" means the performance of the
19 mutual obligations of the public employer and an exclusive
20 representative to meet at reasonable times, to confer and
21 negotiate in good faith, and to execute a written agreement with
22 respect to wages, hours, amounts of contributions by the State



1 and counties to the Hawaii public employees health fund, and
2 other terms and conditions of employment, except that by any
3 such obligation neither party shall be compelled to agree to a
4 proposal, or be required to make a concession. For the purposes
5 of this definition, "wages" includes the number of incremental
6 and longevity steps, the number of pay ranges, furlough, and the
7 movement between steps within the pay range and between the pay
8 ranges on a pay schedule under a collective bargaining
9 agreement."

10 SECTION 4. Section 89-9, Hawaii Revised Statutes, is
11 amended by amending subsection (c) to read as follows:

12 "(c) Except as otherwise provided in this chapter, all
13 matters affecting employee relations, including furlough and
14 those that are, or may be, the subject of a rule adopted by the
15 employer or any director, shall be subject to consultation with
16 the exclusive representatives of the employees concerned[-];
17 provided that furlough, if any, shall be a mandatory subject of
18 collective bargaining. The employer shall make every reasonable
19 effort to consult with exclusive representatives and consider
20 their input, along with the input of other affected parties,
21 prior to effecting changes in any major policy affecting
22 employee relations."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval,
4 and shall also apply to any furlough issues existing and
5 unresolved at the time of the effective date of this Act without
6 regard to whether the underlying collective bargaining agreement
7 includes a provision for furloughs.

8

INTRODUCED BY: *Deft. Name*



Report Title:

Collective Bargaining

Description:

Clarifies that furloughs are a subject to collective bargaining.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

