
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 as follows:
3 1. By amending subsection (a) to read:
4 "(a) The employer and the exclusive representative shall
5 meet at reasonable times, including meetings sufficiently in
6 advance of the February 1 impasse date under section 89-11, and
7 shall negotiate in good faith with respect to wages, hours, the
8 amounts of contributions by the State and respective counties to
9 the Hawaii employer-union health benefits trust fund to the
10 extent allowed in subsection (e), and other terms and conditions
11 of employment [~~which~~] that are subject to collective bargaining
12 and [~~which~~] that are to be embodied in a written agreement as
13 specified in section 89-10 [~~, but such obligation~~]; provided that
14 the obligation to meet and negotiate does not compel either
15 party to agree to a proposal or make a concession [~~, provided~~
16 ~~that the parties may not negotiate with respect to cost items as~~
17 ~~defined by section 89-2 for the biennium 1999 to 2001, and the~~
18 ~~cost items of employees in bargaining units under section 89-6~~



1 ~~in effect on June 30, 1999, shall remain in effect until July 1,~~
2 ~~2001]."~~

3 2. By amending subsections (d) and (e) to read:

4 "(d) 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, 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 [~~which~~] that would be inconsistent with the merit principle or
11 the principle of equal pay for equal work pursuant to section
12 76-1 or [~~which~~] that would interfere with the rights and
13 obligations of a 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;
- 19 (4) Suspend, demote, discharge, or take other disciplinary
20 action against employees for proper cause;
- 21 (5) Relieve an employee from duties because of lack of
22 work or other legitimate reason;



- 1 (6) Maintain efficiency and productivity, including
- 2 maximizing the use of advanced technology, in
- 3 government operations;
- 4 (7) Determine methods, means, and personnel by which the
- 5 employer's operations are to be conducted; and
- 6 (8) Take [~~such~~] actions as may be necessary to carry out
- 7 the missions of the employer in cases of emergencies.

8 This subsection shall not be used to invalidate provisions
9 of collective bargaining agreements in effect on and after June
10 30, 2007, and shall not preclude negotiations over the
11 procedures and criteria on promotions, transfers, assignments,
12 demotions, layoffs, suspensions, terminations, discharges, or
13 other disciplinary actions as a permissive subject of bargaining
14 during collective bargaining negotiations or negotiations over a
15 memorandum of agreement, memorandum of understanding, or other
16 supplemental agreement.

17 Violations of the procedures and criteria so negotiated may
18 be subject to the grievance procedure in the collective
19 bargaining agreement.

20 (e) Negotiations relating to contributions to the Hawaii
21 employer-union health benefits trust fund shall be for the
22 purpose of agreeing upon the amounts which the State and



1 counties shall contribute under [~~section 87-4,~~] sections 87A-32,
2 87A-33, 87A-33.5, 87A-34, 87A-35, and 87A-36 toward the payment
3 of the costs for a health benefits plan, as defined in section
4 [~~87-1(8), and~~] 87A-1, and under section 87A-37 toward the
5 payment of the costs for group life insurance benefits[~~and~~];
6 provided that the parties shall not be bound by the amounts
7 contributed under prior agreements[~~; provided that section 89-11~~
8 ~~for the resolution of disputes by way of arbitration shall not~~
9 ~~be available to resolve impasses or disputes relating to the~~
10 ~~amounts the State and counties shall contribute to the Hawaii~~
11 ~~employer-union health benefits trust fund]."~~

12 SECTION 2. Section 89-11, Hawaii Revised Statutes, is
13 amended by amending subsection (g) to read as follows:

14 "(g) The decision of the arbitration panel shall be final
15 and binding upon the parties on all provisions submitted to the
16 arbitration panel. [~~If the parties have reached agreement with~~
17 ~~respect to the amounts of contributions by the State and~~
18 ~~counties to the Hawaii employer-union health benefits trust fund~~
19 ~~by the tenth working day after the arbitration panel issues its~~
20 ~~decision, the final and binding agreement of the parties on all~~
21 ~~provisions shall consist of the panel's decision and the amounts~~
22 ~~of contributions agreed to by the parties. If the parties have~~



1 ~~not reached agreement with respect to the amounts of~~
2 ~~contributions by the State and counties to the Hawaii employer-~~
3 ~~union health benefits trust fund by the close of business on the~~
4 ~~tenth working day after the arbitration panel issues its~~
5 ~~decision, the parties shall have five days to submit their~~
6 ~~respective recommendations for such contributions to the~~
7 ~~legislature, if it is in session, and if the legislature is not~~
8 ~~in session, the parties shall submit their respective~~
9 ~~recommendations for such contributions to the legislature during~~
10 ~~the next session of the legislature. In such event, the final~~
11 ~~and binding agreement of the parties on all provisions shall~~
12 ~~consist of the panel's decision and the amounts of contributions~~
13 ~~established by the legislature by enactment, after the~~
14 ~~legislature has considered the recommendations for such~~
15 ~~contributions by the parties. It is strictly understood that no~~
16 ~~member of a bargaining unit subject to this subsection shall be~~
17 ~~allowed to participate in a strike on the issue of the amounts~~
18 ~~of contributions by the State and counties to the Hawaii~~
19 ~~employer union health benefits trust fund.] The parties shall~~
20 ~~take whatever action is necessary to carry out and effectuate~~
21 ~~the final and binding agreement. The parties may, at any time~~
22 ~~and by mutual agreement, amend or modify the panel's decision.~~



1 Agreements reached pursuant to the decision of an
2 arbitration panel and the amounts of contributions by the State
3 and counties to the Hawaii employer-union health benefits trust
4 fund, as provided herein, shall not be subject to ratification
5 by the employees concerned. All items requiring any moneys for
6 implementation shall be subject to appropriations by the
7 appropriate legislative bodies and the employer shall submit all
8 such items within ten days after the date on which the agreement
9 is entered into as provided herein, to the appropriate
10 legislative bodies."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

Paul K. Kanahele

JAN 17 2012



H.B. NO. 1848

Report Title:

Collective Bargaining; EUTF; Contributions and Dispute Resolutions

Description:

Repeals the prohibition of using arbitration to resolve impasses or disputes relating to state and county EUTF contributions. Makes an arbitration panel decision on EUTF contributions final and binding without exception. Specifies EUTF and group life insurance payments to be negotiated. Repeals an obsolete provision.

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