
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 subsection (e) to read:

4 "(e) Negotiations relating to contributions to the Hawaii
5 employer-union health benefits trust fund shall be for the
6 purpose of agreeing upon the amounts which the State and
7 counties shall contribute under [~~section 87-4,~~] section 87A-32,
8 toward the payment of the costs for a health benefits plan, as
9 defined in section [~~87-1(8), and~~] 87A-1, and toward the payment
10 of the costs for group life insurance benefits[~~and~~]; provided
11 that the parties shall not be bound by the amounts contributed
12 under prior agreements[~~; provided that section 89-11 for the~~
13 resolution of disputes by way of arbitration shall not be
14 available to resolve impasses or disputes relating to the
15 amounts the State and counties shall contribute to the Hawaii
16 employer-union health benefits trust fund.]; provided that if
17 the legislature fails to fund the payment of the costs for a
18 health benefits plan and for group life insurance benefits
19 agreed upon by the parties, negotiations on all negotiable items
20 under section 89-9(a) may be reopened."

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



1 "(g) The decision of the arbitration panel shall be final
2 and binding upon the parties on all provisions submitted to the
3 arbitration panel[-]; provided that if the legislature fails to
4 fund the payment of the costs for a health benefits plan and for
5 group life insurance benefits issued in the decision by the
6 arbitration panel, negotiations on all negotiable items under
7 section 89-9(a) may be reopened. [~~If the parties have reached~~
8 ~~agreement with respect to the amounts of contributions by the~~
9 ~~State and counties to the Hawaii employer union health benefits~~
10 ~~trust fund by the tenth working day after the arbitration panel~~
11 ~~issues its decision, the final and binding agreement of the~~
12 ~~parties on all provisions shall consist of the panel's decision~~
13 ~~and the amounts of contributions agreed to by the parties. If~~
14 ~~the parties have not reached agreement with respect to the~~
15 ~~amounts of contributions by the State and counties to the Hawaii~~
16 ~~employer union health benefits trust fund by the close of~~
17 ~~business on the tenth working day after the arbitration panel~~
18 ~~issues its decision, the parties shall have five days to submit~~
19 ~~their respective recommendations for such contributions to the~~
20 ~~legislature, if it is in session, and if the legislature is not~~
21 ~~in session, the parties shall submit their respective~~
22 ~~recommendations for such contributions to the legislature during~~



1 ~~the next session of the legislature. In such event, the final~~
2 ~~and binding agreement of the parties on all provisions shall~~
3 ~~consist of the panel's decision and the amounts of contributions~~
4 ~~established by the legislature by enactment, after the~~
5 ~~legislature has considered the recommendations for such~~
6 ~~contributions by the parties. It is strictly understood that no~~
7 ~~member of a bargaining unit subject to this subsection shall be~~
8 ~~allowed to participate in a strike on the issue of the amounts~~
9 ~~of contributions by the State and counties to the Hawaii~~
10 ~~employer union health benefits trust fund.] The parties shall~~
11 take whatever action is necessary to carry out and effectuate
12 the final and binding agreement. The parties may, at any time
13 and by mutual agreement, amend or modify the panel's decision.

14 Agreements reached pursuant to the decision of an
15 arbitration panel and the amounts of contributions by the State
16 and counties to the Hawaii employer-union health benefits trust
17 fund, as provided herein, shall not be subject to ratification
18 by the employees concerned. All items requiring any moneys for
19 implementation shall be subject to appropriations by the
20 appropriate legislative bodies and the employer shall submit all



1 such items within ten days after the date on which the agreement
2 is entered into as provided herein, to the appropriate
3 legislative bodies."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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



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. Authorizes the arbitration panel to decide on EUTF contributions. Specifies EUTF and group life insurance contributions must be negotiated for active employees. Stipulates that if the Legislature fails to fund a negotiated or arbitrated costs items for EUTF and group life insurance contributions, negotiations on all negotiable items may be reopened. Repeals an obsolete provision. (HB1848 HD1)

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

