
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~~] that 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.]"~~

17 SECTION 2. Section 89-10, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) All cost items shall be subject to appropriations by
20 the appropriate legislative bodies. The employer shall submit
21 within ten days of the date on which the agreement is ratified
22 by the employees concerned all cost items contained therein to



1 the appropriate legislative bodies, except that if any cost
2 items require appropriation by the state legislature and it is
3 not in session at the time, the cost items shall be submitted
4 for inclusion in the governor's next operating budget within ten
5 days after the date on which the agreement is ratified. The
6 state legislature or the legislative bodies of the counties
7 acting in concert, as the case may be, may approve or reject the
8 cost items submitted to them, as a whole. If the state
9 legislature or the legislative body of any county rejects any of
10 the cost items submitted to them, all cost items submitted shall
11 be returned to the parties for further bargaining[-]; provided
12 that cost items relating to the amounts of contributions by the
13 state and counties to the Hawaii employer-union health benefits
14 trust fund may be deemed discrete cost items apart from other
15 cost items submitted to them as a result of an arbitration award
16 or negotiated agreement. The legislature may approve, reject,
17 or modify the arbitration award or negotiated agreement on the
18 amounts of contributions. Notwithstanding the binding nature of
19 interest arbitration, the parties may submit their respective
20 recommendations on the appropriate amounts of contributions to
21 the legislature within five days from the issuance of the
22 arbitration award, if it is in session, and if the legislature



1 is not in session the parties shall submit their respective
2 recommendations for such contributions to the legislature during
3 the next session of the legislature. A modification or
4 rejection by the legislature shall not invalidate any other
5 provisions in the negotiated agreement or arbitration award. In
6 such event, the final and binding agreement of the parties on
7 the amounts of contributions shall consist of the amounts of
8 contributions established by the legislature."

9 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
10 amended by amending subsection (g) to read as follows:

11 "(g) The decision of the arbitration panel shall be final
12 and binding upon the parties on all provisions submitted to the
13 arbitration panel. ~~[If the parties have reached agreement with~~
14 ~~respect to the amounts of contributions by the State and~~
15 ~~counties to the Hawaii employer union health benefits trust fund~~
16 ~~by the tenth working day after the arbitration panel issues its~~
17 ~~decision, the final and binding agreement of the parties on all~~
18 ~~provisions shall consist of the panel's decision and the amounts~~
19 ~~of contributions agreed to by the parties. If the parties have~~
20 ~~not reached agreement with respect to the amounts of~~
21 ~~contributions by the State and counties to the Hawaii employer~~
22 ~~union health benefits trust fund by the close of business on the~~



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

20 Agreements reached pursuant to the decision of an
21 arbitration panel and the amounts of contributions by the State
22 and counties to the Hawaii employer-union health benefits trust



1 fund, as provided herein, shall not be subject to ratification
2 by the employees concerned. All items requiring any moneys for
3 implementation shall be subject to appropriations by the
4 appropriate legislative bodies as provided in section 89-10(b)
5 and the employer shall submit all such items within ten days
6 after the date on which the agreement is entered into as
7 provided herein, to the appropriate legislative bodies."

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.



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. Authorizes parties to arbitration to submit recommendations for contribution amounts to the Legislature. Authorizes the Legislature to approve, reject, or modify contribution amounts. Removes a reference to an obsolete provision. (HB1848 HD2)

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