

Honolulu, Hawaii

March 19, 2012

RE: S.B. No. 2214
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 2214, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose of this measure is to promote more meaningful discussion during the negotiation process relating to employer contributions to the Hawaii Employer-Union Health Benefits Trust Fund. Among other things, this measure:

- (1) Clarifies the requirement that a public employer and an exclusive representative shall negotiate the state and county contribution amounts to the Hawaii Employer-Union Health Benefits Trust Fund for health benefit plans and group life insurance benefits for active employees by clarifying statutory language and repealing obsolete provisions;
- (2) Repeals the prohibition against using arbitration to resolve impasses or disputes relating to state and county Hawaii Employer-Union Health Benefits Trust Fund contributions;
- (3) Authorizes the arbitration panel to make a final and binding decision on Hawaii Employer-Union Health Benefits Trust Fund contributions;



- (4) Repeals the legislative relief option to determine public sector health benefits contributions when an impasse exists regarding the negotiation of state cost issues; and
- (5) Repeals the prohibition against striking over the issue of public sector health benefits contributions.

The Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; University of Hawaii Professional Assembly; and United Public Workers, AFSCME, Local 646, AFL-CIO testified in support of this measure. The Department of Budget and Fiscal Services and Department of Human Resources of the City and County of Honolulu testified in opposition to this measure. The Department of Budget and Finance provided comments.

The current collective bargaining law for public employees lacks a dispute resolution process over the contributions to the Hawaii Employer-Union Health Benefits Trust Fund. As currently written, if an employer and exclusive representative cannot agree on the contributions, then the pro-rata share shall be determined by the Legislature. However, all other negotiable items can proceed to impasse. Allowing disputes over contributions to the Hawaii Employer-Union Health Benefits Trust Fund to be resolved via the impasse procedure similar to all other negotiable items seems reasonable and fair.

Your Committee finds that broadening the scope of bargaining will promote more meaningful discussion during the negotiation process making it more likely for the parties to find a joint resolution to issues which encompass employment agreements.

Your Committee has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2214, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2214, S.D. 2, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,

Karl Rhoads

KARL RHOADS, Chair



HSCR 1094-12

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Labor & Public Employment

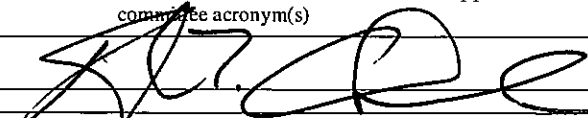
Bill/Resolution No.: SD 2214 SD2	Committee Referral: LAB, FIN	Date: 3-13-12
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia				/
8. OKAMURA, Tom				
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.				/
11. TAKUMI, Roy M.				/
12. FONTAINE, George R.		/		
13. JOHANSON, Aaron Ling	/			
TOTAL (13)	8	1	-	3

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: 

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