

JAN 24 2013

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§89-13 Prohibited practices; evidence of bad faith.** (a)

4 It shall be a prohibited practice for a public employer or its
5 designated representative wilfully to:

6 (1) Interfere, restrain, or coerce any employee in the
7 exercise of any right guaranteed under this chapter;

8 (2) Dominate, interfere, or assist in the formation,
9 existence, or administration of any employee
10 organization;

11 (3) Discriminate in regard to hiring, tenure, or any term
12 or condition of employment to encourage or discourage
13 membership in any employee organization;

14 (4) Discharge or otherwise discriminate against an
15 employee because the employee has signed or filed an
16 affidavit, petition, or complaint or given any
17 information or testimony under this chapter, or



- 1 because the employee has informed, joined, or chosen
2 to be represented by any employee organization;
- 3 (5) Refuse to bargain collectively in good faith with the
4 exclusive representative as required in section 89-9;
- 5 (6) Refuse to participate in good faith in the mediation
6 and arbitration procedures set forth in section 89-11;
- 7 (7) Refuse or fail to comply with any provision of this
8 chapter;
- 9 (8) Violate the terms of a collective bargaining
10 agreement;
- 11 (9) Replace any nonessential employee for participating in
12 a labor dispute; [~~or~~]
- 13 (10) Give employment preference to an individual employed
14 during a labor dispute and whose employment
15 termination date occurs after the end of the dispute,
16 over an employee who exercised the right to join,
17 assist, or engage in lawful collective bargaining or
18 mutual aid or protection through the labor
19 organization involved in the dispute[~~-~~]; or
- 20 (11) Implement, or attempt to implement, any term of a
21 collective bargaining proposal without the agreement
22 of the exclusive representative.



1 (b) It shall be a prohibited practice for a public
2 employee or for an employee organization or its designated agent
3 wilfully to:

4 (1) Interfere, restrain, or coerce any employee in the
5 exercise of any right guaranteed under this chapter;

6 (2) Refuse to bargain collectively in good faith with the
7 public employer, if it is an exclusive representative,
8 as required in section 89-9;

9 (3) Refuse to participate in good faith in the mediation
10 and arbitration procedures set forth in section 89-11;

11 (4) Refuse or fail to comply with any provision of this
12 chapter; [~~or~~]

13 (5) Violate the terms of a collective bargaining
14 agreement[~~-~~]; or

15 (6) Implement, or attempt to implement, any term of a
16 collective bargaining proposal without the agreement
17 of the employer."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.

21
INTRODUCED BY: MAN HEE



S.B. NO. 1247

Report Title:

Collective Bargaining; Prohibited Practices; Public Employment;
Bad Faith

Description:

Prohibits: (1) a public employer from wilfully implementing or attempting to implement any term of a collective bargaining proposal without the exclusive representative's agreement; and (2) a public employee or employee organization from wilfully implementing or attempting to implement any term of a collective bargaining proposal without the employer's agreement.

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