
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 benefits and amounts of contributions by the State and
9 respective counties to the Hawaii employer-union health benefits
10 trust fund to the extent allowed in subsection (e), and other
11 terms and conditions of employment which are subject to
12 collective bargaining and which are to be embodied in a written
13 agreement as specified in section 89-10, but such obligation
14 does not compel either party to agree to a proposal or make a
15 concession.
- 16 2. By amending subsections (d) and (e) to read:



1 "(d) Excluded from the subjects of negotiations are
2 matters of classification, reclassification, [~~benefits of but~~
3 ~~not contributions to the Hawaii employer union health benefits~~
4 ~~trust fund,~~] recruitment, examination, initial pricing, and
5 retirement benefits except as provided in section 88-8(h). The
6 employer and the exclusive representative shall not agree to any
7 proposal which would be inconsistent with the merit principle or
8 the principle of equal pay for equal work pursuant to section
9 76-1 or which would interfere with the rights and obligations of
10 a public employer to:

- 11 (1) Direct employees;
- 12 (2) Determine qualifications, standards for work, and the
13 nature and contents of examinations;
- 14 (3) Hire, promote, transfer, assign, and retain employees
15 in positions;
- 16 (4) Suspend, demote, discharge, or take other disciplinary
17 action against employees for proper cause;
- 18 (5) Relieve an employee from duties because of lack of
19 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 the
- 7 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
10 June 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 the benefits of and
21 contributions to the Hawaii employer-union health benefits trust



1 fund shall be for the purpose of agreeing upon the benefits
2 under the health benefits plan and amounts which the State and
3 counties shall contribute under section 87A-32, toward the
4 payment of the costs for a health benefits plan, as defined in
5 section 87A-1, and group life insurance benefits, and the
6 parties shall not be bound by the benefits and 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. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect on July 1, 2017;
15 provided that on June 30, 2017, this Act shall be repealed and
16 section 89-9, Hawaii Revised Statutes, shall be reenacted in the
17 form in which it read on the day prior to the effective date of
18 this Act.



Report Title:

Employer-Union Health Benefits Trust Fund; Collective
Bargaining; Public Employees

Description:

Specifies that the benefits of the Hawaii employer-union health
benefits trust fund are subject to negotiation. (HB2012 HD1)

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not legislation or evidence of legislative intent.*

