
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

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

1 SECTION 1. The purpose of this Act is to clarify sections
2 89-10 and 89-11, Hawaii Revised Statutes, to require actual
3 funding of cost items that are negotiated in collective
4 bargaining agreements or awarded in arbitrations between state
5 bargaining unit representatives and the State.

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

8 "(b) All cost items shall be subject to appropriations by
9 the appropriate legislative bodies. The employer shall submit
10 within ten days of the date on which the agreement is ratified
11 by the employees concerned all cost items contained therein to
12 the appropriate legislative bodies, except that if any cost
13 items require appropriation by the state legislature and it is
14 not in session at the time, the cost items shall be submitted
15 for inclusion in the governor's next general fund operating
16 budget within ten days after the date on which the agreement is
17 ratified. The state legislature or the legislative bodies of



1 the counties acting in concert, as the case may be, may approve
2 or reject the cost items submitted to them, as a whole. The
3 state legislature shall appropriate general funds to pay the
4 approved cost items for state employees covered by the
5 agreement. If the state legislature or the legislative body of
6 any county rejects any of the cost items submitted to them, all
7 cost items submitted shall be returned to the parties for
8 further bargaining."

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-



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



1 Agreements reached pursuant to the decision of an
2 arbitration panel and the amounts of contributions by the State
3 and counties to the Hawaii employer-union health benefits trust
4 fund, as provided herein, shall not be subject to ratification
5 by the employees concerned. All items requiring any moneys for
6 implementation shall be subject to appropriations by the
7 appropriate legislative bodies and the employer shall submit all
8 such items within ten days after the date on which the agreement
9 is entered into as provided herein, to the appropriate
10 legislative bodies. The state legislature shall appropriate
11 general funds to pay the employer contributions and other cost
12 items for state employees covered by the decision and resulting
13 agreements."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: _____



JAN 23 2015



H.B. NO. 667

Report Title:

Collective Bargaining; General Funds

Description:

Requires the appropriations of general funds to fund cost items negotiated in collective bargaining agreements or awarded in arbitrations between the bargaining unit and the State.

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