

JAN 24 2024

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~~] this
14 obligation does not compel either party to agree to a proposal
15 or make a concession."

16 2. By amending subsection (d) 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 that would be inconsistent with the merit principle or
8 the principle of equal pay for equal work pursuant to section
9 76-1 or that 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 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 except as otherwise provided in this chapter,
11 shall not preclude negotiations over the implementation of
12 management decisions that affect terms and conditions of
13 employment that are subject to collective bargaining. Further,
14 this subsection shall not preclude negotiations over the
15 procedures and criteria on promotions, transfers, assignments,
16 demotions, layoffs, suspensions, terminations, discharges, or
17 other disciplinary actions as subjects of bargaining during
18 collective bargaining negotiations or negotiations over a
19 memorandum of agreement, memorandum of understanding, or other
20 supplemental agreement; provided that [~~such~~] this obligation



1 shall not compel either party to agree to a proposal or make a
2 concession.

3 Violations of the procedures and criteria so negotiated may
4 be subject to the grievance procedure in the collective
5 bargaining agreement."

6 3. By amending subsection (e) to read:

7 "(e) Negotiations relating to the benefits of and
8 contributions to the Hawaii employer-union health benefits trust
9 fund shall be for the purpose of agreeing upon the benefits
10 under the health benefits plan and amounts which the State and
11 counties shall contribute under section 87A-32[7] through
12 87A-37, toward the payment of the costs for a health benefits
13 plan, as defined in section 87A-1, and group life insurance
14 benefits, and the parties shall not be bound by the benefits and
15 amounts contributed under prior agreements; provided that
16 section 89-11 for the resolution of disputes [~~by way of~~
17 ~~arbitration shall not be available to resolve impasses or~~
18 ~~disputes relating to the amounts the State and counties shall~~
19 ~~contribute to the Hawaii employer union health benefits trust~~
20 ~~fund.] shall apply."~~



1 SECTION 2. Section 89-11, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) The decision of the arbitration panel shall be final
4 and binding upon the parties on all provisions submitted to the
5 arbitration panel. ~~[If the parties have reached agreement with
6 respect to the amounts of contributions by the State and
7 counties to the Hawaii employer union health benefits trust fund
8 by the tenth working day after the arbitration panel issues its
9 decision, the final and binding agreement of the parties on all
10 provisions shall consist of the panel's decision and the amounts
11 of contributions agreed to by the parties. If the parties have
12 not reached agreement with respect to the amounts of
13 contributions by the State and counties to the Hawaii employer-
14 union health benefits trust fund by the close of business on the
15 tenth working day after the arbitration panel issues its
16 decision, the parties shall have five days to submit their
17 respective recommendations for such contributions to the
18 legislature, if it is in session, and if the legislature is not
19 in session, the parties shall submit their respective
20 recommendations for such contributions to the legislature during
21 the next session of the legislature. In such event, the final~~



1 ~~and binding agreement of the parties on all provisions shall~~
2 ~~consist of the panel's decision and the amounts of contributions~~
3 ~~established by the legislature by enactment, after the~~
4 ~~legislature has considered the recommendations for such~~
5 ~~contributions by the parties. It is strictly understood that no~~
6 ~~member of a bargaining unit subject to this subsection shall be~~
7 ~~allowed to participate in a strike on the issue of the amounts~~
8 ~~of contributions by the State and counties to the Hawaii~~
9 ~~employer union health benefits trust fund.]~~ The parties shall
10 take whatever action is necessary to carry out and effectuate
11 the final and binding agreement. The parties may, at any time
12 and by mutual agreement, amend or modify the panel's decision.

13 Agreements reached pursuant to the decision of an
14 arbitration panel and the amounts of contributions by the State
15 and counties to the Hawaii employer-union health benefits trust
16 fund, as provided herein, shall not be subject to ratification
17 by the employees concerned. All items requiring any moneys for
18 implementation shall be subject to appropriations by the
19 appropriate legislative bodies and the employer shall submit all
20 such items within ten days after the date on which the agreement



1 is entered into as provided herein, to the appropriate
2 legislative bodies."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Zoltan", is written over a horizontal line.

S.B. NO. 3299

Report Title:

Collective Bargaining; Scope of Negotiations; Hawaii Employer-Union Health Trust Fund; Public Employers; Benefits; Resolution of Disputes; Impasses

Description:

Allows the public employer and exclusive representative to negotiate benefits of the Hawaii Employer-Union Health Benefits Trust Fund. Allows the exclusive representative to fully utilize dispute resolution and impasse provisions under state law when negotiating the benefits and contributions to the Hawaii Employer-Union Health Trust Fund.

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