

ACT 234

H.B. NO. 1640

A Bill for an Act Relating to Collective Bargaining.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 89-9, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The repricing of classes within an appropriate bargaining unit ~~may~~ shall be negotiated and determined as follows:

- (1) ~~[At the request of]~~ Within thirty days of receipt of a written request from the exclusive representative to negotiate and at times allowed

under the collective bargaining agreement, the employer shall negotiate the repricing of classes within the bargaining unit. The negotiated repricing actions that constitute cost items shall be subject to the requirements in section 89-10; and

- (2) ~~[If repricing has not been negotiated under paragraph (1), the employer of each jurisdiction shall ensure establishment of procedures to periodically review, at least once in five years, unless otherwise agreed to by the parties, the repricing of classes within the bargaining unit. The repricing of classes based on the results of the periodic review shall be at the discretion of the employer. Any appropriations required to implement the repricing actions that are made at the employer's discretion shall not be construed as cost items.]~~ If the employer fails to timely initiate a negotiation in compliance with paragraph (1) or the parties cannot reach an agreement within one hundred fifty days after the exclusive representative's written request to negotiate or by January 31 of a year in which the agreement is due to expire, whichever is earlier, an impasse exists and the impasse procedures in section 89-11 shall apply:

provided that the parties may mutually agree on repricing procedures in conformance with this section; provided further that a repricing request can only be submitted once per occupation in any eighteen-month period; provided further that impasse procedures shall not apply if the impasse occurs within one hundred eighty days after a collective bargaining agreement has been reached between the employer and the exclusive representative of the bargaining unit. Notwithstanding the foregoing, no more than fifteen repricing impasse procedures shall be active at any time. If an impasse procedure would have triggered, but cannot begin because it would exceed the maximum fifteen active repricing impasse procedures, the parties shall continue to negotiate until such time as the repricing impasse procedure begins; provided that preference for new repricing impasse procedures shall be given to repricings in the order in which they began."

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

"(b) An impasse during the term of a collective bargaining agreement on reopened items or items regarding a supplemental agreement shall not be subject to the impasse procedures in this section[-]; provided that an employer's failure to timely initiate a negotiation on repricing of classes within a bargaining unit pursuant to section 89-9(f)(1) or the parties' failure to reach an agreement on repricing within the timeframe set forth in section 89-9(f)(2) shall constitute an impasse, to which the impasse procedures in this section shall apply. The parties may mutually agree on an impasse procedure, but if the procedure culminates in an arbitration decision, the decision shall be pursuant to subsection (f)."

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

SECTION 4. This Act shall take effect on July 1, 2024, and shall be repealed on June 30, 2029; provided that any negotiations on repricing pursuant to this Act that started prior to June 30, 2029, may continue after this Act is repealed.

(Approved July 9, 2024.)