

JAN 20 2012

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 amounts of contributions by the State and respective counties to
9 the Hawaii employer-union health benefits trust fund to the
10 extent allowed in subsection (e), and other terms and conditions
11 of employment which are subject to collective bargaining and
12 which are to be embodied in a written agreement as specified in
13 section 89-10 [~~, but such~~]; provided that the obligation to meet
14 and negotiate does not compel either party to agree to a
15 proposal or make a concession[~~; provided that the parties may~~
16 ~~not negotiate with respect to cost items as defined by section~~
17 ~~89-2 for the biennium 1999 to 2001, and the cost items of~~



1 ~~employees in bargaining units under section 89-6 in effect on~~
2 ~~June 30, 1999, shall remain in effect until July 1, 2001]."~~

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

4 "(e) Negotiations relating to contributions to the Hawaii
5 employer-union health benefits trust fund shall be for the
6 purpose of agreeing upon the amounts which the State and
7 counties shall contribute under [~~section 87-4,~~] sections 87A-32,
8 87A-33, 87A-33.5, 87A-34, 87A-35, and 87A-36 toward the payment
9 of the costs for a health benefits plan, as defined in section
10 [~~87-1(8),~~] 87A-1, and under section 87A-37 toward the payment of
11 the costs for group life insurance benefits[~~, and~~]; provided
12 that the parties shall not be bound by the amounts contributed
13 under prior agreements [~~, provided that section 89-11 for the~~
14 ~~resolution of disputes by way of arbitration shall not be~~
15 ~~available to resolve impasses or disputes relating to the~~
16 ~~amounts the State and counties shall contribute to the Hawaii~~
17 ~~employer-union health benefits trust fund)]."~~

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

20 "(g) The decision of the arbitration panel shall be final
21 and binding upon the parties on all provisions submitted to the
22 arbitration panel. [~~If the parties have reached agreement with~~



1 ~~respect to the amounts of contributions by the State and~~
2 ~~counties to the Hawaii employer union health benefits trust fund~~
3 ~~by the tenth working day after the arbitration panel issues its~~
4 ~~decision, the final and binding agreement of the parties on all~~
5 ~~provisions shall consist of the panel's decision and the amounts~~
6 ~~of contributions agreed to by the parties. If the parties have~~
7 ~~not reached agreement with respect to the amounts of~~
8 ~~contributions by the State and counties to the Hawaii employer-~~
9 ~~union health benefits trust fund by the close of business on the~~
10 ~~tenth working day after the arbitration panel issues its~~
11 ~~decision, the parties shall have five days to submit their~~
12 ~~respective recommendations for such contributions to the~~
13 ~~legislature, if it is in session, and if the legislature is not~~
14 ~~in session, the parties shall submit their respective~~
15 ~~recommendations for such contributions to the legislature during~~
16 ~~the next session of the legislature. In such event, the final~~
17 ~~and binding agreement of the parties on all provisions shall~~
18 ~~consist of the panel's decision and the amounts of contributions~~
19 ~~established by the legislature by enactment, after the~~
20 ~~legislature has considered the recommendations for such~~
21 ~~contributions by the parties. It is strictly understood that no~~
22 ~~member of a bargaining unit subject to this subsection shall be~~



1 ~~allowed to participate in a strike on the issue of the amounts~~
2 ~~of contributions by the State and counties to the Hawaii~~
3 ~~employer-union health benefits trust fund.]~~ The parties shall
4 take whatever action is necessary to carry out and effectuate
5 the final and binding agreement. The parties may, at any time
6 and by mutual agreement, amend or modify the panel's decision.

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

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

19

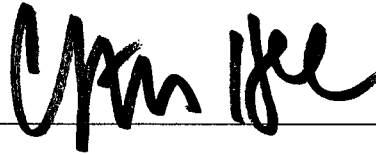


S.B. NO. 2214

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

2

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to read "Chris Hill", is written over a horizontal line.

S.B. NO. 2214

Report Title:

Collective Bargaining; Employer-union Health Benefits

Description:

Clarifies provisions that negotiations relating to contributions to the Hawaii employer-union health benefits trust fund shall be to agree upon amounts that the State and counties shall contribute toward the payment of costs for a health benefits plan and group life insurance benefits for certain groups; clarifies that a decision of an arbitration panel shall be final.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

