



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

May 1, 2018

GOV. MSG. NO. 1110

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on May 1, 2018, the following bill was signed into law:

HB2114 HD2 SD1

**RELATING TO COLLECTIVE BARGAINING
ACT 010 (18)**

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 by amending subsection (d) to read as follows:
3 "(d) Excluded from the subjects of negotiations are
4 matters of classification, reclassification, benefits of but not
5 contributions to the Hawaii employer-union health benefits trust
6 fund, recruitment, examination, initial pricing, and retirement
7 benefits except as provided in section 88-8(h). The employer
8 and the exclusive representative shall not agree to any proposal
9 [~~which~~] that would be inconsistent with the merit principle or
10 the principle of equal pay for equal work pursuant to section
11 76-1 or [~~which~~] that would interfere with the rights and
12 obligations of a public employer to:
13 (1) Direct employees;
14 (2) Determine qualifications, standards for work, and the
15 nature and contents of examinations;
16 (3) Hire, promote, transfer, assign, and retain employees
17 in positions;



- 1 (4) Suspend, demote, discharge, or take other disciplinary
- 2 action against employees for proper cause;
- 3 (5) Relieve an employee from duties because of lack of
- 4 work or other legitimate reason;
- 5 (6) Maintain efficiency and productivity, including
- 6 maximizing the use of advanced technology, in
- 7 government operations;
- 8 (7) Determine methods, means, and personnel by which the
- 9 employer's operations are to be conducted; and
- 10 (8) Take [~~such~~] actions as may be necessary to carry out
- 11 the missions of the employer in cases of emergencies.

12 This subsection shall not be used to invalidate provisions
 13 of collective bargaining agreements in effect on and after
 14 June 30, 2007, and except as otherwise provided in this chapter,
 15 shall not preclude negotiations over the implementation of
 16 management decisions that affect terms and conditions of
 17 employment that are subject to collective bargaining. Further,
 18 this subsection shall not preclude negotiations over the
 19 procedures and criteria on promotions, transfers, assignments,
 20 demotions, layoffs, suspensions, terminations, discharges, or
 21 other disciplinary actions as [~~a permissive subject~~] subjects of



1 bargaining during collective bargaining negotiations or
2 negotiations over a memorandum of agreement, memorandum of
3 understanding, or other supplemental agreement [-]; provided that
4 such obligation shall not compel either party to agree to a
5 proposal or make a concession.

6 Violations of the procedures and criteria so negotiated may
7 be subject to the grievance procedure in the collective
8 bargaining agreement."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 01 day of MAY, 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 2114, HD 2, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 17, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives

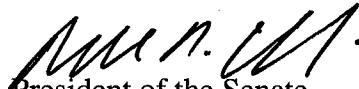



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 10, 2018
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate