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## 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 would be inconsistent with the merit principle or the  
10 principle of equal pay for equal work pursuant to section 76-1  
11 or which would interfere with the rights and obligations of a  
12 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 the  
11 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 June  
14 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. This  
18 subsection also 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 of~~



1 ~~bargaining]~~ during collective bargaining negotiations or  
 2 negotiations over a memorandum of agreement, memorandum of  
 3 understanding, or other supplemental agreement.

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

7 SECTION 2. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Jonny John  
Jinder dechigama  
Sean Wm  
Thakshana  
Tanzy  
Chiffa C  
Rh M.O.S.  
Brid Katgari  
A  
Rafan  
Stake  
Bohler  
Michelle E. Lowen  
Alle A. Pelotti  
Jacki On

# H.B. NO. 2114

**Report Title:**

Employment; Collective Bargaining; Scope of Negotiations

**Description:**

Provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations.

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