

JAN 24 2013

S.B. NO. 1155

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 89, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§89- Hearing notice. In any hearing conducted pursuant
5 to chapter 91, notwithstanding section 91-9.5, all parties shall
6 be given written notice of hearing by first class mail at least
7 fifteen days before the hearing."

8 SECTION 2. Section 89-9, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) The employer and the exclusive representative shall
12 meet at reasonable times, including meetings sufficiently in
13 advance of the February 1 impasse date under section 89-11, and
14 shall negotiate in good faith with respect to wages, hours, the
15 amounts of contributions by the State and respective counties to
16 the Hawaii employer-union health benefits trust fund to the
17 extent allowed in subsection (e), and other terms and conditions
18 of employment which are subject to collective bargaining and

1 which are to be embodied in a written agreement as specified in
2 section 89-10, but such obligation does not compel either party
3 to agree to a proposal or make a concession[~~; provided that the~~
4 ~~parties may not negotiate with respect to cost items as defined~~
5 ~~by section 89-2 for the biennium 1999 to 2001, and the cost~~
6 ~~items of employees in bargaining units under section 89-6 in~~
7 ~~effect on June 30, 1999, shall remain in effect until July 1,~~
8 ~~2001]."~~

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

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY: *Anna Mendoza Ki*

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BY REQUEST

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Report Title:

Collective Bargaining; Hawaii Labor Relations Board

Description:

Authorizes the Hawaii Labor Relations Board to provide written notice of hearing to all parties by first class mail at least fifteen days before the hearing, notwithstanding section 91-9.5, Hawaii Revised Statutes, and makes necessary housekeeping amendments that conform to existing law.

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

JUSTIFICATION SHEET

SB. NO. 1155

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING.

PURPOSE: The purpose of this bill is to clarify the procedure for using first class mail by the Hawaii Labor Relations Board (Board) to notify parties of a hearing, notwithstanding section 91-9.5, Hawaii Revised Statutes (HRS). The bill also amends section 89-9, HRS, by repealing wording that is not in effect and updating statutory references.

MEANS: Add a new section to chapter 89 and amend section 89-9(a) and (e), HRS.

JUSTIFICATION: Governor Abercrombie's New Day plan envisions transforming state government into an efficient and effective enterprise. If enacted, this measure would allow the board to more efficiently allocate resources. In addition, this is the first step in the board's strategic planning efforts to move the agency into the digital age with a goal towards paperless litigation and electronic filing and document management.

The proposed new section will allow the board to use first class mail for mailing hearing notices. The existing method by certified mail is costly. Last year, the Legislature authorized the Labor and Industrial Relations Appeals Board to mail its hearing notices by first class mail.

The remaining amendments are housekeeping and are non-substantive. The bill repeals outdated wording in section 89-9(a) and updates references to 87-4 and 87-1 that were repealed and replaced by chapter 87A, HRS.

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Impact on the public: It would save the State money.

Impact on the department and other agencies:

This bill will allow the Board to more efficiently allocate general funds and not affect the department unless tighter fiscal restrictions are imposed on the departments, in which case the Board may apply the savings towards any further restrictions.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LBR-161.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.