JAN 19 2024

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 (f) to read as follows: 3 The repricing of classes within an appropriate 4 bargaining unit [may] shall be negotiated and determined as 5 follows: 6 (1)[At the request of] Within thirty days of receipt of a 7 written request from the exclusive representative to 8 negotiate, and at times allowed under the collective 9 bargaining agreement, the employer shall negotiate the 10 repricing of classes within the bargaining unit. The 11 negotiated repricing actions that constitute cost 12 items shall be subject to the requirements in section 13 89-10; and 14 (2) [If repricing has not been negotiated under paragraph 15 (1), the employer of each jurisdiction shall ensure 16 establishment of procedures to periodically review, at 17 least once in five years, unless otherwise agreed to

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1	by the parties, the repricing of classes within the
2	bargaining unit. The repricing of classes based on
3	the results of the periodic review shall be at the
4	discretion of the employer. Any appropriations
5	required to implement the repricing actions that are
6	made at the employer's discretion shall not be
7	construed as cost items.] Failure of the employer to
8	timely initiate a negotiation in compliance with
9	paragraph (1) or of the parties to reach an agreement
10	within ninety days after the exclusive
11	representative's written request to negotiate, or by
12	January 31 of the year in which the agreement is due
13	to expire, whichever is earlier, shall constitute an
14	impasse and the dispute shall be subject to the
15	impasse procedures in section 89-11;
16	provided that the parties may mutually agree on repricing
17	procedures in conformance with this section; provided further
18	that a repricing request shall only be submitted once per
19	occupation during any eighteen-month period."
20	SECTION 2. Section 89-11, Hawaii Revised Statutes, is
21	amended by amending subsection (b) to read as follows:

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1	(b) All impasse during the term of a corrective bargarning
2	agreement on reopened items or items regarding a supplemental
3	agreement shall not be subject to the impasse procedures in this
4	section[-]; provided that an employer's failure to timely
5	initiate a negotiation on repricing of classes within a
6	bargaining unit pursuant to section 89-9(f)(1), or the parties'
7	failure to reach an agreement on repricing within the timeframe
8	set forth in section 89-9(f)(2), shall be subject to the impasse
9	procedures in this section. The parties may mutually agree on
10	an impasse procedure, but if the procedure culminates in an
11	arbitration decision, the decision shall be pursuant to
12	subsection (f)."
13	SECTION 3. This Act does not affect rights and duties that
14	matured, penalties that were incurred, and proceedings that were
15	begun before its effective date.
16	SECTION 4. Statutory material to be repealed is bracketed
17	and stricken. New statutory material is underscored.
18	SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Collective Bargaining in Public Employment; Repricing of Classes; Negotiations; Impasse Procedures

Description:

Requires employers to initiate negotiations on repricing of classes within a bargaining unit within 30 days of its receipt of the exclusive representative's written request to negotiate. Establishes that the employer's failure to initiate the negotiation within this time frame and the parties' failure to reach an agreement within 90 days of the exclusive representative's written request to negotiate, or by January 31 of the year in which the collective bargaining agreement is due to expire, whichever is earlier, constitute an impasse and the dispute shall be subject to the impasse procedures in section 89-11, Hawaii Revised Statutes.

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