
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

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

1 SECTION 1. The purpose of this Act is to establish a new
2 collective bargaining unit for substitute teachers of the
3 department of education and all part-time employees working more
4 than twenty hours a week who are not members of a collective
5 bargaining unit.

6 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
7 amended as follows:

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

9 "(a) All employees throughout the State within any of the
10 following categories shall constitute an appropriate bargaining
11 unit:

- 12 (1) Nonsupervisory employees in blue collar positions;
13 (2) Supervisory employees in blue collar positions;
14 (3) Nonsupervisory employees in white collar positions;
15 (4) Supervisory employees in white collar positions;
16 (5) Teachers and other personnel of the department of
17 education under the same pay schedule, including part-



1 time employees working less than twenty hours a week
2 who are equal to one-half of a full-time equivalent;

3 (6) Educational officers and other personnel of the
4 department of education under the same pay schedule;

5 (7) Faculty of the University of Hawaii and the community
6 college system;

7 (8) Personnel of the University of Hawaii and the
8 community college system, other than faculty;

9 (9) Registered professional nurses;

10 (10) Institutional, health, and correctional workers;

11 (11) Firefighters;

12 (12) Police officers; [~~and~~]

13 (13) Professional and scientific employees, who cannot be
14 included in any of the other bargaining units~~[-]~~; and

15 (14) Substitute teachers of the department of education,
16 excluding retired teachers of the department of
17 education serving as substitute teachers, and all
18 part-time employees working more than twenty hours a
19 week who are not members of a collective bargaining
20 unit."

21 2. By amending subsection (d) to read:

1 "(d) For the purpose of negotiating a collective
2 bargaining agreement, the public employer of an appropriate
3 bargaining unit shall mean the governor together with the
4 following employers:

5 (1) For bargaining units (1), (2), (3), (4), (9), (10),
6 and (13), the governor shall have six votes and the
7 mayors, the chief justice, and the Hawaii health
8 systems corporation board shall each have one vote if
9 they have employees in the particular bargaining unit;

10 (2) For bargaining units (11) and (12), the governor shall
11 have four votes and the mayors shall each have one
12 vote;

13 (3) For bargaining units (5) [~~and~~], (6), and 14, the
14 governor shall have three votes, the board of
15 education shall have two votes, and the superintendent
16 of education shall have one vote; and

17 (4) For bargaining units (7) and (8), the governor shall
18 have three votes, the board of regents of the
19 University of Hawaii shall have two votes, and the
20 president of the University of Hawaii shall have one
21 vote.



1 Any decision to be reached by the applicable employer group
2 shall be on the basis of simple majority, except when a
3 bargaining unit includes county employees from more than one
4 county. In [~~such~~] that case, the simple majority shall include
5 at least one county."

6 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) If an impasse exists between a public employer and
9 the exclusive bargaining representative of bargaining unit (1),
10 nonsupervisory employees in blue collar positions; bargaining
11 unit (5), teachers and other personnel of the department of
12 education; [~~or~~] bargaining unit (7), faculty of the University
13 of Hawaii and the community college system[~~7~~]; bargaining
14 unit (14), substitute teachers of the department of education,
15 excluding retired teachers of the department of education
16 serving as substitute teachers, and all part-time employees
17 working more than twenty hours a week who are not members of a
18 collective bargaining unit, the board shall assist in the
19 resolution of the impasse as follows:

20 (1) Voluntary mediation. During the first twenty days of
21 the date of impasse, either party may request the
22 board to assist in a voluntary resolution of the



- 1 impasse by appointing a mediator or mediators,
2 representative of the public from a list of qualified
3 persons maintained by the board;
- 4 (2) Mediation. If the impasse continues more than twenty
5 days, the board shall appoint a mediator or mediators
6 representative of the public from a list of qualified
7 persons maintained by the board, to assist the parties
8 in a voluntary resolution of the impasse. The board
9 may compel the parties to attend mediation, reasonable
10 in time and frequency, until the fiftieth day of
11 impasse. Thereafter, mediation shall be elective with
12 the parties, subject to the approval of the board;
- 13 (3) Report of the board. The board shall promptly report
14 to the appropriate legislative body or bodies the
15 following circumstances as each occurs:
- 16 (A) The date of a tentative agreement and whether the
17 terms thereof are confidential between the
18 parties;
- 19 (B) The ratification or failure of ratification of a
20 tentative agreement;
- 21 (C) The signing of a tentative agreement;
- 22 (D) The terms of a tentative agreement; or

1 (E) On or about the fiftieth day of impasse, the
2 failure of mediation.

3 The parties shall provide the board with the requisite
4 information; and

5 (4) After the fiftieth day of impasse, the parties may
6 resort to such other remedies that are not prohibited
7 by any agreement pending between them, other
8 provisions of this chapter, or any other law."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun, before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2006.



Report Title:

Public School Substitute Teachers; Collective Bargaining Unit

Description:

Creates a collective bargaining unit for substitute teachers of the department of education and all part-time employees working more than twenty hours per week not covered by a collective bargaining unit. Excludes retired teachers of the department of education hired as substitute teachers from the new collective bargaining unit. (HB2237 HD1)

