

JAN 25 2006

S.B. NO. 2055

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYMENT.

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

1 SECTION 1. The legislature finds that, under the existing
2 public sector collective bargaining laws, the counties must
3 negotiate collective bargaining agreements in concert with the
4 State. Under these conditions, the counties are often saddled
5 with cost increases that the State may be able to afford, but
6 the counties are not. For example, when voting on whether to
7 adopt a collective bargaining agreement on behalf of public
8 employers for bargaining units (1), (2), (3), (4), (9), (10),
9 and (13), the governor has six votes, while the chief justice,
10 the Hawaii health systems corporation board, and the mayors each
11 have one vote. In actuality, since the chief justice and the
12 Hawaii health systems corporation board are representatives of
13 state entities, these eight state-based votes outnumber the
14 mayors' four votes. Although section 89-6, Hawaii Revised
15 Statutes, does provide that at least one mayor must vote in
16 agreement with the governor when adopting a collective
17 bargaining agreement proposal that involves county employees,
18 the governor need only persuade one mayor to vote in favor of



1 the governor's proposal. In such circumstances, although the
2 three other counties may be not be able to afford the terms of a
3 collective bargaining agreement proposal, they must pay the
4 costs of it regardless of the agreement's affordability.

5 The legislature believes that the counties should be able
6 to negotiate and execute collective bargaining agreements that
7 are based on each county's ability to afford and accommodate
8 cost and other elements. The legislature also believes that, in
9 the alternative, if the counties so choose, the counties should
10 be allowed to negotiate collectively as public employers, but
11 separately from the State when negotiating and executing public
12 sector collective bargaining agreements.

13 The purpose of this Act is to allow the counties to
14 negotiate and execute their own collective bargaining agreements
15 with the exclusive representatives of public sector employee
16 organizations.

17 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) For the purpose of negotiating a collective
20 bargaining agreement, the public employer of an appropriate
21 bargaining unit shall mean the governor [~~together with~~] and the
22 following employers:



1 (1) For bargaining units (1), (2), (3), (4), (9), (10),
2 and (13), the governor [~~shall have six votes and the~~
3 ~~mayors~~], the chief justice, and the Hawaii health
4 systems corporation board ~~shall each have one vote if~~
5 ~~they have employees in the particular bargaining~~
6 ~~unit;~~ may negotiate separately from the counties if
7 the simple majority of mayors of each county decide to
8 negotiate a separate collective bargaining agreement
9 from the State. If:

10 (A) The mayors decide to negotiate with the governor,
11 the chief justice, and the Hawaii health systems
12 corporation board as a single employer, the
13 governor shall have six votes and the chief
14 justice, the Hawaii health systems corporation
15 board, and the mayors shall each have one vote if
16 they have employees in the particular bargaining
17 unit; or

18 (B) The mayors decide to negotiate separately from
19 the governor, the chief justice, and the Hawaii
20 health systems corporation board:

21 (i) All of the mayors, or any combination
22 thereof, may negotiate collectively as a

1 single employing unit, in which case the
2 mayors shall each have one vote; or

3 (ii) Each mayor may negotiate a collective
4 bargaining agreement separately from other
5 public employers with an exclusive
6 representative;

7 (2) For bargaining units (11) and (12), the governor
8 [~~shall have four votes and the mayors shall each have~~
9 ~~one vote;~~] may negotiate separately from the counties
10 if the simple majority of mayors of each county decide
11 to negotiate a separate collective bargaining
12 agreement from the State. If:

13 (A) The mayors decide to negotiate with the governor
14 as a single employer, the governor shall have
15 four votes and the mayors shall each have one
16 vote; or

17 (B) The mayors decide to negotiate separately from
18 the governor:

19 (i) All of the mayors, or any combination
20 thereof, may negotiate collectively as a
21 single employing unit, in which case the
22 mayors shall each have one vote; or



1 (ii) Each mayor may negotiate a collective
 2 bargaining agreement separately from other
 3 public employers with an exclusive
 4 representative;

5 (3) For bargaining units (5) and (6), the governor shall
 6 have three votes, the board of education shall have
 7 two votes, and the superintendent of education shall
 8 have one vote;

9 (4) For bargaining units (7) and (8), the governor shall
 10 have three votes, the board of regents of the
 11 University of Hawaii shall have two votes, and the
 12 president of the University of Hawaii shall have one
 13 vote.

14 Any decision to be reached by the applicable employer group
 15 shall be on the basis of simple majority [~~except when a~~
 16 ~~bargaining unit includes county employees from more than one~~
 17 ~~county. In such case, the simple majority shall include at~~
 18 ~~least one county]."~~

19 SECTION 3. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.

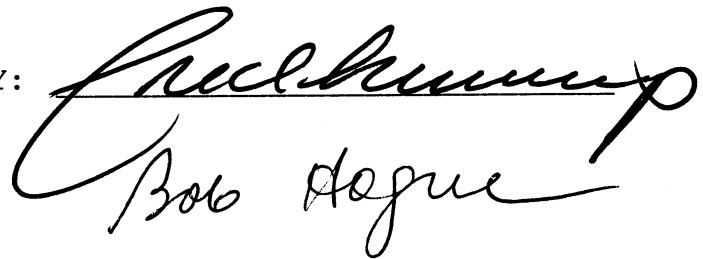
21 SECTION 4. This Act shall take effect upon its approval;
 22 provided that the amendments made by this Act to section 89-



1 6(d), Hawaii Revised Statutes, shall not be repealed when the
2 underlying provisions of section 89-6, Hawaii Revised Statutes,
3 are reenacted on July 1, 2008, pursuant to Act 245, Session Laws
4 of Hawaii 2005.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Bob Rogue". The signature is written in a cursive style with a large, sweeping initial letter.



Report Title:

Public Employment; Collective Bargaining; Counties

Description:

Allows counties to bargain separately from the State with the exclusive representative of each public sector employee organization.

