

JAN 18 2007

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-11, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
3 "(e) If an impasse exists between a public employer and
4 the exclusive representative of bargaining unit ~~[(2),~~
5 ~~supervisory employees in blue collar positions, bargaining unit~~
6 ~~(3), nonsupervisory employees in white collar positions,~~
7 ~~bargaining unit (4), supervisory employees in white collar~~
8 ~~positions, bargaining unit (6), educational officers and other~~
9 ~~personnel of the department of education under the same salary~~
10 ~~schedule, bargaining unit (8), personnel of the University of~~
11 ~~Hawaii and the community college system, other than faculty,~~
12 ~~bargaining unit (9), registered professional nurses, bargaining~~
13 ~~unit (10), institutional, health, and correctional workers,~~
14 ~~bargaining unit (11), firefighters [7] or bargaining unit (12),~~
15 ~~police officers [7, or bargaining unit (13), professional and~~
16 ~~scientific employees], the board shall assist in the resolution~~
17 of the impasse as follows:



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1 (1) Mediation. During the first twenty days after the
2 date of impasse, the board shall immediately appoint a
3 mediator, representative of the public from a list of
4 qualified persons maintained by the board, to assist
5 the parties in a voluntary resolution of the impasse.

6 (2) Arbitration. If the impasse continues twenty days
7 after the date of impasse, the board shall immediately
8 notify the employer and the exclusive representative
9 that the impasse shall be submitted to a three-member
10 arbitration panel who shall follow the arbitration
11 procedure provided herein.

12 (A) Arbitration panel. Two members of the
13 arbitration panel shall be selected by the
14 parties; one shall be selected by the employer
15 and one shall be selected by the exclusive
16 representative. The neutral third member of the
17 arbitration panel, who shall chair the
18 arbitration panel, shall be selected by mutual
19 agreement of the parties. In the event that the
20 parties fail to select the neutral third member
21 of the arbitration panel within thirty days from
22 the date of impasse, the board shall request the



1 American Arbitration Association, or its
2 successor in function, to furnish a list of five
3 qualified arbitrators from which the neutral
4 arbitrator shall be selected. Within five days
5 after receipt of such list, the parties shall
6 alternately strike names from the list until a
7 single name is left, who shall be immediately
8 appointed by the board as the neutral arbitrator
9 and chairperson of the arbitration panel.

10 (B) Final positions. Upon the selection and
11 appointment of the arbitration panel, each party
12 shall submit to the panel, in writing, with copy
13 to the other party, a final position which shall
14 include all provisions in any existing collective
15 bargaining agreement not being modified, all
16 provisions already agreed to in negotiations, and
17 all further provisions which each party is
18 proposing for inclusion in the final agreement.

19 (C) Arbitration hearing. Within one hundred twenty
20 days of its appointment, the arbitration panel
21 shall commence a hearing at which time the
22 parties may submit either in writing or through



1 oral testimony, all information or data
2 supporting their respective final positions. The
3 arbitrator, or the chairperson of the arbitration
4 panel together with the other two members, are
5 encouraged to assist the parties in a voluntary
6 resolution of the impasse through mediation, to
7 the extent practicable throughout the entire
8 arbitration period until the date the panel is
9 required to issue its arbitration decision.

10 (D) Arbitration decision. Within thirty days after
11 the conclusion of the hearing, a majority of the
12 arbitration panel shall reach a decision pursuant
13 to subsection (f) on all provisions that each
14 party proposed in its respective final position
15 for inclusion in the final agreement and transmit
16 a preliminary draft of its decision to the
17 parties. The parties shall review the
18 preliminary draft for completeness, technical
19 correctness, and clarity and may mutually submit
20 to the panel any desired changes or adjustments
21 that shall be incorporated in the final draft of
22 its decision. Within fifteen days after the



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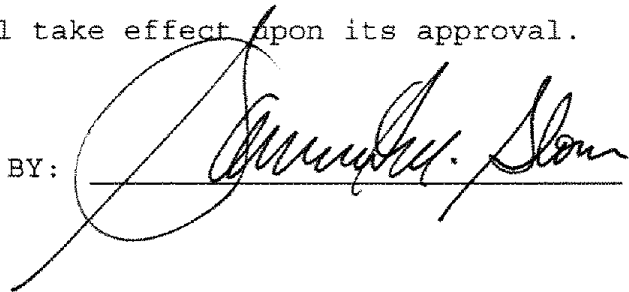
1 transmittal of the preliminary draft, a majority
2 of the arbitration panel shall issue the
3 arbitration decision."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "James H. Slon", is written over a horizontal line. The signature is positioned to the right of the text "INTRODUCED BY:".



Report Title:

Collective Bargaining; Repeal

Description:

Repeals mandatory arbitration for all collective bargaining units except firefighters and police officers.

