
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 employees of the Hawaii health
3 systems corporation.

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

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

7 "(a) All employees throughout the [~~State~~] state within any
8 of the following categories shall constitute an appropriate
9 bargaining unit:

- 10 (1) Nonsupervisory employees in blue collar positions;
11 (2) Supervisory employees in blue collar positions;
12 (3) Nonsupervisory employees in white collar positions;
13 (4) Supervisory employees in white collar positions;
14 (5) Teachers and other personnel of the department of
15 education under the same pay schedule, including part-
16 time employees working less than twenty hours a week
17 who are equal to one-half of a full-time equivalent;



- 1 (6) Educational officers and other personnel of the
- 2 department of education under the same pay schedule;
- 3 (7) Faculty of the University of Hawaii and the community
- 4 college system;
- 5 (8) Personnel of the University of Hawaii and the
- 6 community college system, other than faculty;
- 7 (9) Registered professional nurses;
- 8 (10) Institutional, health, and correctional workers;
- 9 (11) Firefighters;
- 10 (12) Police officers; ~~and~~
- 11 (13) Professional and scientific employees, who cannot be
- 12 included in any of the other bargaining units~~[-];~~ and
- 13 (14) Employees of the Hawaii health systems corporation."

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

15 "(d) For the purpose of negotiating a collective
16 bargaining agreement, the public employer of an appropriate
17 bargaining unit shall mean the governor together with the
18 following employers:

- 19 (1) For bargaining units (1), (2), (3), (4), (9), (10),
- 20 and (13), the governor shall have six votes and the
- 21 mayors~~[-]~~ and the chief justice~~[-, and the Hawaii~~
- 22 ~~health systems corporation board]~~ shall each have one



1 vote if they have employees in the particular
2 bargaining unit;

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

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

10 (4) For bargaining units (7) and (8), the governor shall
11 have three votes, the board of regents of the
12 University of Hawaii shall have two votes, and the
13 president of the University of Hawaii shall have one
14 vote[~~-~~]; and

15 (5) For bargaining unit (14), the governor shall have one
16 vote and the Hawaii health systems corporation shall
17 have three votes.

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



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

3 "(d) If an impasse exists between a public employer and
4 the exclusive bargaining representative of bargaining unit (1),
5 nonsupervisory employees in blue collar positions; bargaining
6 unit (5), teachers and other personnel of the department of
7 education; [~~6~~] bargaining unit (7), faculty of the University
8 of Hawaii and the community college system[~~7~~]; or bargaining
9 unit (14), employees of the Hawaii health systems corporation,
10 the board shall assist in the resolution of the impasse as
11 follows:

12 (1) Voluntary mediation. During the first twenty days of
13 the date of impasse, either party may request the
14 board to assist in a voluntary resolution of the
15 impasse by appointing a mediator or mediators,
16 representative of the public from a list of qualified
17 persons maintained by the board;

18 (2) Mediation. If the impasse continues more than twenty
19 days, the board shall appoint a mediator or mediators
20 representative of the public from a list of qualified
21 persons maintained by the board, to assist the parties
22 in a voluntary resolution of the impasse. The board



1 may compel the parties to attend mediation, reasonable
2 in time and frequency, until the fiftieth day of
3 impasse. Thereafter, mediation shall be elective with
4 the parties, subject to the approval of the board;

5 (3) Report of the board. The board shall promptly report
6 to the appropriate legislative body or bodies the
7 following circumstances as each occurs:

8 (A) The date of a tentative agreement and whether the
9 terms thereof are confidential between the
10 parties;

11 (B) The ratification or failure of ratification of a
12 tentative agreement;

13 (C) The signing of a tentative agreement;

14 (D) The terms of a tentative agreement; or

15 (E) On or about the fiftieth day of impasse, the
16 failure of mediation.

17 The parties shall provide the board with the requisite
18 information; and

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



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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

6 SECTION 6. This Act shall take effect on July 1, 2009;
7 provided that the amendments made to subsections 89-6(a) and
8 (d), Hawaii Revised Statutes, by section 2 of this Act shall not
9 be repealed when section 89-6, Hawaii Revised Statutes, is
10 repealed on July 1, 2010, and reenacted pursuant to Act 245,
11 Session Laws of Hawaii 2005, as amended by Act 294, Session Laws
12 of Hawaii 2007, as amended by Act 5, Special Session Laws of
13 Hawaii 2008.
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INTRODUCED BY:

[Handwritten signatures: Ryan, Steve, Michael, etc.]



Report Title:

Hawaii Health Systems Corporation; Collective Bargaining Unit

Description:

Creates a separate collective bargaining unit for employees of the Hawaii Health Systems Corporation.

