
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All employees throughout the State within any of the
4 following categories shall constitute an appropriate bargaining
5 unit:

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



- 1 (7) Faculty of the University of Hawaii and the community
- 2 college system;
- 3 (8) Personnel of the University of Hawaii and the
- 4 community college system, other than faculty;
- 5 (9) Registered professional nurses;
- 6 (10) Institutional, health, and correctional workers;
- 7 (11) Firefighters;
- 8 (12) Police officers; [~~and~~]
- 9 (13) Professional and scientific employees, who cannot be
- 10 included in any of the other bargaining units[-]; and
- 11 (14) Emergency first responder medical personnel and water
- 12 safety officers employed by the State or counties."

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

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, the chief justice, and the Hawaii health



1 systems corporation board shall each have one vote if
2 they have employees in the particular bargaining unit;

3 (2) For bargaining units (11) [~~and~~], (12), and (14), the
4 governor shall have four votes and the mayors shall
5 each have one 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.

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

20 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:



1 "(e) If an impasse exists between a public employer and
2 the exclusive representative of bargaining unit (2), supervisory
3 employees in blue collar positions; bargaining unit (3),
4 nonsupervisory employees in white collar positions; bargaining
5 unit (4), supervisory employees in white collar positions;
6 bargaining unit (6), educational officers and other personnel of
7 the department of education under the same salary schedule;
8 bargaining unit (8), personnel of the University of Hawaii and
9 the community college system, other than faculty; bargaining
10 unit (9), registered professional nurses; bargaining unit (10),
11 institutional, health, and correctional workers; bargaining unit
12 (11), firefighters; bargaining unit (12), police officers; or
13 bargaining unit (13), professional and scientific employees,
14 (14), emergency first responder medical personnel and water
15 safety officers employed by the State or counties; the board
16 shall assist in the resolution of the impasse as follows:

17 (1) Mediation. During the first twenty days after the
18 date of impasse, the board shall immediately appoint a
19 mediator, representative of the public from a list of
20 qualified persons maintained by the board, to assist
21 the parties in a voluntary resolution of the impasse.



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

7 (A) Arbitration panel. Two members of the
8 arbitration panel shall be selected by the
9 parties; one shall be selected by the employer
10 and one shall be selected by the exclusive
11 representative. The neutral third member of the
12 arbitration panel, who shall chair the
13 arbitration panel, shall be selected by mutual
14 agreement of the parties. In the event that the
15 parties fail to select the neutral third member
16 of the arbitration panel within thirty days from
17 the date of impasse, the board shall request the
18 American Arbitration Association, or its
19 successor in function, to furnish a list of five
20 qualified arbitrators from which the neutral
21 arbitrator shall be selected. Within five days
22 after receipt of such list, the parties shall



1 alternately strike names from the list until a
2 single name is left, who shall be immediately
3 appointed by the board as the neutral arbitrator
4 and chairperson of the arbitration panel.

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

14 (C) Arbitration hearing. Within one hundred twenty
15 days of its appointment, the arbitration panel
16 shall commence a hearing at which time the
17 parties may submit either in writing or through
18 oral testimony, all information or data
19 supporting their respective final positions. The
20 arbitrator, or the chairperson of the arbitration
21 panel together with the other two members, are
22 encouraged to assist the parties in a voluntary



1 resolution of the impasse through mediation, to
2 the extent practicable throughout the entire
3 arbitration period until the date the panel is
4 required to issue its arbitration decision.

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

21 SECTION 4. The employers and public sector unions shall
22 meet and consult to submit to the legislature, twenty days prior



1 to the convening of the 2011 regular session, a report
2 identifying all those workers and corresponding classes of work
3 that would meet the definition of and be migrated over to the
4 newly created bargaining unit (14), emergency first responder
5 medical personnel and water safety officers employed by the
6 State or counties established under this Act. The report to the
7 legislature shall include any and all statutory amendments
8 required to formalize the creation, establishment, and migration
9 of employees to the new bargaining unit without loss of accrued
10 benefits, seniority, and wages.

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

13 SECTION 6. This Act shall take effect upon its approval;
14 provided that the newly established bargaining unit (14) shall
15 take effect no later than July 1, 2011; provided that the
16 amendments made to section 89-6, Hawaii Revised Statutes, by
17 sections 2 and 3 of this Act shall not be repealed when
18 section 89-6, Hawaii Revised Statutes, is reenacted on
19



1 July 1, 2010, pursuant to Act 5, Special Session Laws of Hawaii
2 2008.

3

INTRODUCED BY:


By Request

JAN 25 2010



Report Title:

Collective Bargaining; Emergency First Responder Medical Personnel; Water Safety Officers Employed by the State or Counties

Description:

Creates a new bargaining unit (14) for emergency first responder medical personnel and water safety officers employed by the State or counties.

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