

JAN 21 2010

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# 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

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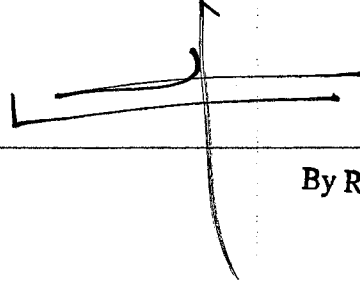




1 July 1, 2010, pursuant to Act 5, Special Session Laws of Hawaii  
2 2008.

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INTRODUCED BY:

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By Request



**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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

