

JAN 21 2011

---

---

# 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 as follows:

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

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

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

14           "(d) For the purpose of negotiating a collective

15 bargaining agreement, the public employer of an appropriate

16 bargaining unit shall mean the governor together with the

17 following employers:

- 18           (1) For bargaining units (1), (2), (3), (4), (9), (10),
- 19           and (13), the governor shall have six votes and the
- 20           mayors, the chief justice, and the Hawaii health
- 21           systems corporation board shall each have one vote if
- 22           they have employees in the particular bargaining unit;



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

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

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

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

18           SECTION 2. Section 89-11, Hawaii Revised Statutes, is  
19 amended by amending subsection (e) to read as follows:

20           "(e) If an impasse exists between a public employer and  
21 the exclusive representative of bargaining unit (2), supervisory  
22 employees in blue collar positions; bargaining unit (3),



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

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

20 (2) Arbitration. If the impasse continues twenty days  
21 after the date of impasse, the board shall immediately  
22 notify the employer and the exclusive representative



1 that the impasse shall be submitted to a three-member  
2 arbitration panel who shall follow the arbitration  
3 procedure provided herein.

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



1 appointed by the board as the neutral arbitrator  
2 and chairperson of the arbitration panel.

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

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



1 arbitration period until the date the panel is  
2 required to issue its arbitration decision.

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

19 SECTION 3. The employers and public sector unions shall  
20 meet and consult to submit to the legislature, no later than  
21 twenty days prior to the convening of the 2012 regular session,  
22 a report identifying all those workers and corresponding classes



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

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

11 SECTION 5. This Act shall take effect upon its approval;  
 12 provided that the newly established bargaining unit (14) shall  
 13 take effect no later than July 1, 2012.

14

INTRODUCED BY:

*[Handwritten signature]*  
 \_\_\_\_\_  
*Orchilla Adams*  
*Gilbert Kelley*  
*James Inezado Kim*  
*Phil D. Hill*  
*[Signature]*





**Report Title:**

Collective Bargaining; Emergency First Responder Medical Personnel; Water Safety Officers; State and County Employees

**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.*

