

JAN 21 2011

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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. The purpose of this Act is to establish a new  
2 collective bargaining unit to represent state law enforcement  
3 officers.

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

6           1. By amending subsections (a) and (b) to read:

7           "(a) All employees throughout the State within any of the  
8 following categories shall constitute an appropriate bargaining  
9 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) State law enforcement officers.

14       (b) Because of the nature of work involved and the  
15       essentiality of certain occupations that require specialized  
16       training, supervisory employees who are eligible for inclusion  
17       in units (9) through [~~(13)~~] (14) shall be included in units (9)  
18       through [~~(13)~~], (14), respectively, instead of unit (2) or (4)."

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

20       "(d) For the purpose of negotiating a collective  
21       bargaining agreement, the public employer of an appropriate



1 bargaining unit shall mean the governor together with the  
2 following employers:

3 (1) For bargaining units (1), (2), (3), (4), (9), (10),  
4 [and] (13), and (14), the governor shall have six  
5 votes and the mayors, the chief justice, and the  
6 Hawaii health systems corporation board shall each  
7 have one vote if they have employees in the particular  
8 bargaining unit;

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

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

16 (4) For bargaining units (7) and (8), the governor shall  
17 have three votes, the board of regents of the  
18 University of Hawaii shall have two votes, and the  
19 president of the University of Hawaii shall have one  
20 vote.

21 Any decision to be reached by the applicable employer group  
22 shall be on the basis of simple majority, except when a



1 bargaining unit includes county employees from more than one  
2 county. In such case, the simple majority shall include at  
3 least one county."

4 SECTION 3. Section 89-7, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) No election shall be directed by the board in any  
7 appropriate bargaining unit within which [~~(1)~~-a]:

8 (1) A valid election has been held in the preceding twelve  
9 months; [~~or (2)~~-a]

10 (2) A valid collective bargaining agreement is in force  
11 and effect [~~-~~]; or

12 (3) The bargaining unit has been established for  
13 months or less and is composed of employees currently  
14 covered by a valid collective bargaining agreement."

15 SECTION 4. Section 89-11, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) If an impasse exists between a public employer and  
18 the exclusive representative of bargaining unit (2), supervisory  
19 employees in blue collar positions; bargaining unit (3),  
20 nonsupervisory employees in white collar positions; bargaining  
21 unit (4), supervisory employees in white collar positions;  
22 bargaining unit (6), educational officers and other personnel of



1 the department of education under the same salary schedule;  
2 bargaining unit (8), personnel of the University of Hawaii and  
3 the community college system, other than faculty; bargaining  
4 unit (9), registered professional nurses; bargaining unit (10),  
5 institutional, health, and correctional workers; bargaining unit  
6 (11), firefighters; bargaining unit (12), police officers; [øæ]  
7 bargaining unit (13), professional and scientific employees[7];  
8 or bargaining unit (14), state law enforcement officers, the  
9 board shall assist in the resolution of the impasse as follows:

10 (1) Mediation. During the first twenty days after the  
11 date of impasse, the board shall immediately appoint a  
12 mediator, representative of the public from a list of  
13 qualified persons maintained by the board, to assist  
14 the parties in a voluntary resolution of the impasse.

15 (2) Arbitration. If the impasse continues twenty days  
16 after the date of impasse, the board shall immediately  
17 notify the employer and the exclusive representative  
18 that the impasse shall be submitted to a three-member  
19 arbitration panel who shall follow the arbitration  
20 procedure provided herein.

21 (A) Arbitration panel. Two members of the  
22 arbitration panel shall be selected by the



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

19 (B) Final positions. Upon the selection and  
20 appointment of the arbitration panel, each party  
21 shall submit to the panel, in writing, with copy  
22 to the other party, a final position which shall



1 include all provisions in any existing collective  
2 bargaining agreement not being modified, all  
3 provisions already agreed to in negotiations, and  
4 all further provisions which each party is  
5 proposing for inclusion in the final agreement.

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

19 (D) Arbitration decision. Within thirty days after  
20 the conclusion of the hearing, a majority of the  
21 arbitration panel shall reach a decision pursuant  
22 to subsection (f) on all provisions that each

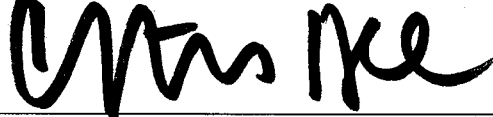


1 party proposed in its respective final position  
2 for inclusion in the final agreement and transmit  
3 a preliminary draft of its decision to the  
4 parties. The parties shall review the  
5 preliminary draft for completeness, technical  
6 correctness, and clarity and may mutually submit  
7 to the panel any desired changes or adjustments  
8 that shall be incorporated in the final draft of  
9 its decision. Within fifteen days after the  
10 transmittal of the preliminary draft, a majority  
11 of the arbitration panel shall issue the  
12 arbitration decision."

13 SECTION 5. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

19 INTRODUCED BY: 



**Report Title:**

Collective Bargaining; State Law Enforcement Officers

**Description:**

Creates bargaining unit 14 to represent state law enforcement officers. Clarifies that no election shall be directed by the Hawaii labor relations board in any newly created bargaining unit of employees who are currently covered by a valid collective bargaining agreement.

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

