
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) Ocean safety officers and water safety officers
- 12 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 89-7, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) No election shall be directed by the board in any
21 newly established bargaining unit or any appropriate bargaining
22 unit within which:



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

3 (2) [a] A valid collective bargaining agreement is in
4 force and effect."

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

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



1 (1) Mediation. During the first twenty days after the
2 date of impasse, the board shall immediately appoint a
3 mediator, representative of the public from a list of
4 qualified persons maintained by the board, to assist
5 the parties in a voluntary resolution of the impasse.

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

12 (A) Arbitration panel. Two members of the
13 arbitration panel shall be selected by the
14 parties; one shall be selected by the employer
15 and one shall be selected by the exclusive
16 representative. The neutral third member of the
17 arbitration panel, who shall chair the
18 arbitration panel, shall be selected by mutual
19 agreement of the parties. In the event that the
20 parties fail to select the neutral third member
21 of the arbitration panel within thirty days from
22 the date of impasse, the board shall request the



1 American Arbitration Association, or its
2 successor in function, to furnish a list of five
3 qualified arbitrators from which the neutral
4 arbitrator shall be selected. Within five days
5 after receipt of such list, the parties shall
6 alternately strike names from the list until a
7 single name is left, who shall be immediately
8 appointed by the board as the neutral arbitrator
9 and chairperson of the arbitration panel.

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

19 (C) Arbitration hearing. Within one hundred twenty
20 days of its appointment, the arbitration panel
21 shall commence a hearing at which time the
22 parties may submit either in writing or through



1 oral testimony, all information or data
2 supporting their respective final positions. The
3 arbitrator, or the chairperson of the arbitration
4 panel together with the other two members, are
5 encouraged to assist the parties in a voluntary
6 resolution of the impasse through mediation, to
7 the extent practicable throughout the entire
8 arbitration period until the date the panel is
9 required to issue its arbitration decision.

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



1 transmittal of the preliminary draft, a majority
2 of the arbitration panel shall issue the
3 arbitration decision."

4 SECTION 4. The employers and exclusive representative
5 shall meet and consult to submit to the legislature, no later
6 than twenty days prior to the convening of the 2013 regular
7 session, a report identifying all those workers and
8 corresponding classes of work that would meet the definition of
9 and be migrated over to the newly created bargaining unit (14),
10 ocean safety officers and water safety officers employed by the
11 State or counties, established under this Act. The report to
12 the legislature shall include any and all statutory amendments
13 required to formalize the creation and establishment of the new
14 bargaining unit and migration of employees to the new bargaining
15 unit without loss of accrued benefits, seniority, and wages.

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

18 SECTION 6. This Act shall take effect upon its approval;
19 provided that the newly established bargaining unit (14) shall
20 take effect no later than July 1, 2013.



Report Title:

Collective Bargaining; Ocean Safety Officers; Water Safety Officers; State and County Employees

Description:

Creates a new bargaining unit (14) for ocean safety officers and water safety officers employed by the State or counties. (SD1)

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