

JAN 25 2012

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 subpart (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 part-
12 time employees working less than twenty hours a week
13 who are equal to one-half of a full-time equivalent;
14 (6) Educational officers, except vice-principals, and
15 other personnel of the department of education under
16 the same pay schedule;
17 (7) Faculty of the University of Hawaii and the community
18 college system;



- 1 (8) Personnel of the University of Hawaii and the
- 2 community college system, other than faculty;
- 3 (9) Registered professional nurses;
- 4 (10) Institutional, health, and correctional workers;
- 5 (11) Firefighters;
- 6 (12) Police officers; [and]
- 7 (13) Professional and scientific employees, who cannot be
- 8 included in any of the other bargaining units[-]; and
- 9 (14) Vice-principals of the department of education."

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

12 "(d) For the purpose of negotiating a collective
13 bargaining agreement, the public employer of an appropriate
14 bargaining unit shall mean the governor together with the
15 following employers:

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



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

4 (3) For bargaining units (5) [~~and~~], (6), and 14, the
5 governor shall have three votes, the board of
6 education shall have two votes, and the superintendent
7 of education shall 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 3. Section 89-7, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§89-7 Elections.** (a) Whenever, in accordance with
21 regulations as may be prescribed by the board pursuant to
22 chapter 91, a petition is filed by an employee organization to

1 determine whether or by which organization employees desire to
2 be represented for the purpose of collective bargaining, the
3 board shall conduct an investigation and may conduct an election
4 where appropriate as specified herein. A petition to decertify
5 or to change the exclusive bargaining representative must be
6 supported by fifty per cent of employees in an appropriate
7 bargaining unit, through verifiable written proof of the names
8 and signatures of employees. Signatures of employees supporting
9 such a petition must be obtained within two months of the date
10 of the petition to be valid with the board. In its
11 investigation of the showing of interest, the board shall afford
12 all interested parties a contested case hearing.

13 (b) In any election where none of the choices on the
14 ballot receives a majority of the votes cast, a runoff election
15 shall be conducted with the ballot providing for a selection
16 between the two choices receiving the largest number of valid
17 votes cast in the election. The board shall certify the
18 election results and the employee organization receiving a
19 majority of the votes cast shall be certified as the exclusive
20 representative of all employees in the appropriate bargaining
21 unit for the purpose of collective bargaining. The employee
22 organization shall remain certified as the exclusive



1 representative until it is replaced by another employee
2 organization, decertified, or dissolved.

3 (c) Notwithstanding any provision of this chapter to the
4 contrary, the employee organization representing bargaining unit
5 (6), education officers, except vice-principals, and other
6 personnel of the department of education under the same pay
7 schedule, shall not be the same employee organization that
8 represents bargaining unit (14), vice-principals of the
9 department of education.

10 [~~e~~] (d) No election shall be directed by the board in
11 any appropriate bargaining unit within which (1) a valid
12 election has been held in the preceding twelve months; or (2) a
13 valid collective bargaining agreement is in force and effect.

14 [~~d~~] (e) The board shall adopt rules and regulations
15 consistent with this section governing the conduct of elections
16 to determine representation, including the time, place, manner
17 of notification, and reporting the results of elections, and the
18 manner for filing any petition for an election and
19 decertification election or any petition concerning the results
20 of an election. No mail ballots shall be permitted by the board
21 except when for reasonable cause a specific individual would
22 otherwise be unable to cast a ballot. No names, addresses or



1 information regarding the work location of employees eligible to
2 vote shall be provided to employee organizations involved in an
3 election. The board shall have the final determination on any
4 controversy concerning the eligibility of an employee to vote."

5 SECTION 4. 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; or
19 bargaining unit (13), professional and scientific employees,
20 (14), vice-principals of the department of education, the board
21 shall 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 5. Section 302A-619, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§302A-619 Classification, educational officers. The
7 board shall classify all educational officer positions of the
8 department and shall adopt [~~two~~] three separate
9 classification/compensation plans for educational officers. One
10 classification/compensation plan shall be for principals [~~and~~
11 ~~vice-principals~~] and shall be based on the general pattern of a
12 school administrator's career development and associated school
13 administrator's qualification requirements. A second
14 classification/compensation plan shall be for vice-principals
15 and shall be based on the general pattern of a school
16 administrator's career development and associated school
17 administrator's qualification requirements. A [~~separate~~] third
18 classification/compensation plan shall be for all other
19 educational officers and shall be reflective of the career
20 development pattern and qualification requirements for the
21 respective professional field of expertise; provided that both



1 classification/compensation plans shall include classification
2 appeals procedures."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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

6

INTRODUCED BY: Clarence W. Nishihara



S.B. NO. 2997

Report Title:

Collective Bargaining Unit; Public Employment; Vice-Principals

Description:

Establishes a collective bargaining unit for vice-principals of the department of education.

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

