



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 21, 2013

GOV. MSG. NO. 1240

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

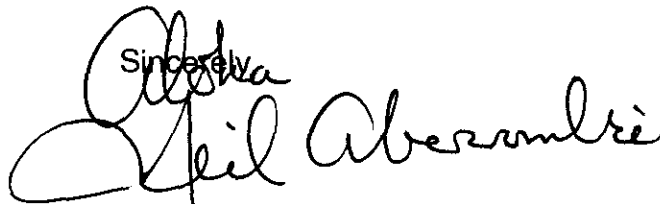
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 21, 2013, the following bill was signed into law:

SB883 SD2 HD2

RELATING TO COLLECTIVE BARGAINING
ACT 137 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

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 and state and county ocean safety and water safety
 4 officers.

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

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

8 "(a) All employees throughout the State within any of the
 9 following categories shall constitute an appropriate bargaining
 10 unit:

- 11 (1) Nonsupervisory employees in blue collar positions;
- 12 (2) Supervisory employees in blue collar positions;
- 13 (3) Nonsupervisory employees in white collar positions;
- 14 (4) Supervisory employees in white collar positions;
- 15 (5) Teachers and other personnel of the department of
 16 education under the same pay schedule, including part-
 17 time employees working less than twenty hours a week
 18 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 and state and county
- 14 ocean safety and water safety officers.

15 (b) Because of the nature of work involved and the

16 essentiality of certain occupations that require specialized

17 training, supervisory employees who are eligible for inclusion

18 in units (9) through [~~(13)~~] (14) shall be included in units (9)

19 through [~~(13)~~,] (14), respectively, instead of unit (2) or (4)."

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

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

22 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~~] that case, the simple majority shall include
3 at 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:

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

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

12 (3) Any new bargaining unit is created when the created
13 unit is composed of employees currently covered by a
14 valid collective bargaining agreement and represented
15 by the same exclusive representative."

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

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



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

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

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



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



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

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



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

17 SECTION 5. The rights, benefits, and privileges currently
18 enjoyed by state law enforcement officers and state and county
19 ocean safety and water safety officers, including those rights,
20 benefits, and privileges under chapters 76, 78, 87A, and 88,
21 Hawaii Revised Statutes, shall not be impaired or diminished as
22 a result of these employees being transitioned to the newly

1 created bargaining unit (14). The transition to the new
 2 bargaining unit (14) shall not result in any break in service
 3 for the affected employees. The rights, benefits, and
 4 privileges currently enjoyed by state law enforcement officers
 5 and state and county ocean safety and water safety officers
 6 shall be maintained under their existing collective bargaining
 7 agreement and any successor agreement until a collective
 8 bargaining agreement is negotiated for the new bargaining unit
 9 (14).

10 SECTION 6. This Act does not affect rights and duties that
 11 matured, penalties that were incurred, and proceedings that were
 12 begun before its effective date.

13 SECTION 7. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 2013.

APPROVED this 21 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII