
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 first responder
3 employees within the State and counties. First responder
4 employees shall include state law enforcement officers and state
5 and county ocean safety and water officers.

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

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

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

- 12 (1) Nonsupervisory employees in blue collar positions;
13 (2) Supervisory employees in blue collar positions;
14 (3) Nonsupervisory employees in white collar positions;
15 (4) Supervisory employees in white collar positions;
16 (5) Teachers and other personnel of the department of
17 education under the same pay schedule, including part-



- 1 time employees working less than twenty hours a week
2 who are equal to one-half of a full-time equivalent;
- 3 (6) Educational officers and other personnel of the
4 department of education under the same pay schedule;
- 5 (7) Faculty of the University of Hawaii and the community
6 college system;
- 7 (8) Personnel of the University of Hawaii and the
8 community college system, other than faculty;
- 9 (9) Registered professional nurses;
- 10 (10) Institutional, health, and correctional workers;
- 11 (11) Firefighters;
- 12 (12) Police officers; [~~and~~]
- 13 (13) Professional and scientific employees, who cannot be
14 included in any of the other bargaining units[~~-~~]; and
- 15 (14) First responders including state law enforcement
16 officers and state and county ocean safety and water
17 safety officers.

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



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

2 "(d) For the purpose of negotiating a collective
3 bargaining agreement, the public employer of an appropriate
4 bargaining unit shall mean the governor together with the
5 following employers:

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

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

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

19 (4) For bargaining units (7) and (8), the governor shall
20 have three votes, the board of regents of the
21 University of Hawaii shall have two votes, and the



1 president of the University of Hawaii shall have one
2 vote.

3 Any decision to be reached by the applicable employer group
4 shall be on the basis of simple majority, except when a
5 bargaining unit includes county employees from more than one
6 county. In such case, the simple majority shall include at
7 least one county."

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

10 "(c) No election shall be directed by the board in any
11 appropriate bargaining unit within which:

12 (1) [~~a~~] A valid election has been held in the preceding
13 twelve months; [~~e~~]

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

16 (3) Any new bargaining unit is created when the created
17 unit is composed of employees currently covered by a
18 valid collective bargaining agreement and represented
19 by the same exclusive representative."

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



1 "(e) If an impasse exists between a public employer and
2 the exclusive representative of bargaining unit (2), supervisory
3 employees in blue collar positions; bargaining unit (3),
4 nonsupervisory employees in white collar positions; bargaining
5 unit (4), supervisory employees in white collar positions;
6 bargaining unit (6), educational officers and other personnel of
7 the department of education under the same salary schedule;
8 bargaining unit (8), personnel of the University of Hawaii and
9 the community college system, other than faculty; bargaining
10 unit (9), registered professional nurses; bargaining unit (10),
11 institutional, health, and correctional workers; bargaining unit
12 (11), firefighters; bargaining unit (12), police officers; [æ]
13 bargaining unit (13), professional and scientific employees[τ]i
14 or bargaining unit (14), first responders including state law
15 enforcement officers and state and county ocean safety and water
16 safety officers, the board shall assist in the resolution of the
17 impasse as follows:

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



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

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



1 alternately strike names from the list until a
2 single name is left, who shall be immediately
3 appointed by the board as the neutral arbitrator
4 and chairperson of the arbitration panel.

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

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



1 resolution of the impasse through mediation, to
2 the extent practicable throughout the entire
3 arbitration period until the date the panel is
4 required to issue its arbitration decision.

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

21 SECTION 5. The rights, benefits, and privileges currently
22 enjoyed by first responders including state law enforcement



1 officers and state and county ocean safety and water safety
 2 officers, including those rights, benefits, and privileges under
 3 chapters 76, 78, 87A, and 88, Hawaii Revised Statutes, shall not
 4 be impaired or diminished as a result of these employees being
 5 transitioned to the newly created bargaining unit (14). The
 6 transition to the new bargaining unit (14) shall not result in
 7 any break in service for the affected employees. The rights,
 8 benefits, and privileges currently enjoyed by first responders
 9 including state law enforcement officers and state and county
 10 ocean safety and water safety officers shall be maintained under
 11 their existing collective bargaining agreement and any successor
 12 agreement until a collective bargaining agreement is negotiated
 13 for the new bargaining unit (14).

14 SECTION 6. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.
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INTRODUCED BY:

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[Signature]
[Signature]
[Signature]



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W. Agui

[Signature]

Clara
Tom Brown

[Signature]
Scott K. Davis

[Signature]
Cindy Evans

[Signature]
Off. J. K. Cull

Jan F. [Signature]

Karl Rhoads

Guthrie Hietala

Roy M. [Signature]

Karen Avarana

[Signature]
[Signature]

Beth Sukunoto

[Signature]

Della A. Beletti

[Signature]

Nicole E. [Signature]

Linda [Signature]

Takashi [Signature]

[Signature]

[Signature]

Juan [Signature]

[Signature]

Mele Cassel



H.B. NO. 1172

Report Title:

New Collective Bargaining Unit 14; First Responders

Description:

Creates a new bargaining unit (14) for first responders, including state law enforcement officers and state and county ocean safety and water safety officers.

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