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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 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;

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:

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

10 (2) [a] A valid collective bargaining agreement is in force  
11 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; ~~[0]~~  
8 bargaining unit (13), professional and scientific employees~~[7]~~;  
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 list, the parties shall  
17          alternately strike names from the list until a  
18          single name is left, who shall be immediately  
19          appointed by the board as the neutral arbitrator  
20          and chairperson of the arbitration panel.
- 21          (B) Final positions. Upon the selection and  
22          appointment of the arbitration panel, each party



1 shall submit to the panel, in writing, with copy  
2 to the other party, a final position which shall  
3 include all provisions in any existing collective  
4 bargaining agreement not being modified, all  
5 provisions already agreed to in negotiations, and  
6 all further provisions which each party is  
7 proposing for inclusion in the final agreement.

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

21 (D) Arbitration decision. Within thirty days after  
22 the conclusion of the hearing, a majority of the



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

15 SECTION 5. The rights, benefits, and privileges currently  
16 enjoyed by state law enforcement officers and state and county  
17 ocean safety and water safety officers, including those rights,  
18 benefits, and privileges under chapters 76, 78, 87A, and 88,  
19 Hawaii Revised Statutes, shall not be impaired or diminished as  
20 a result of these employees being transitioned to the newly  
21 created bargaining unit (14). The transition to the new  
22 bargaining unit (14) shall not result in any break in service





1 for the affected employees. The rights, benefits, and  
2 privileges currently enjoyed by state law enforcement officers  
3 and state and county ocean safety and water safety officers  
4 shall be maintained under their existing collective bargaining  
5 agreement and any successor agreement until a collective  
6 bargaining agreement is negotiated for the new bargaining unit  
7 (14).

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

11 SECTION 7. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect upon its approval.



**Report Title:**

New Collective Bargaining Unit 14; State Law Enforcement Officers; State and County Ocean Safety and Water Safety Officers

**Description:**

Creates a new bargaining unit (14) for state law enforcement officers and state and county ocean safety and water safety officers. (HB1172 HD1)

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

