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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

19 (2) Arbitration. If the impasse continues twenty days
20 after the date of impasse, the board shall immediately
21 notify the employer and the exclusive representative
22 that the impasse shall be submitted to a three-member



1 arbitration panel who shall follow the arbitration
2 procedure provided herein.

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



1 arbitrator and chairperson of the arbitration
2 panel.

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

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



1 arbitration period until the date the panel is
2 required to issue its arbitration decision.

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

19 SECTION 5. The rights, benefits, and privileges currently
20 enjoyed by state law enforcement officers and state and county
21 ocean safety and water safety officers, including those rights,
22 benefits, and privileges under chapters 76, 78, 87A, and 88,



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

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

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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



Report Title:

Collective Bargaining; Bargaining Unit (14); State Law
Enforcement Officers and State and County Ocean 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. Effective July 1, 2013. (SB883 HD1)

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