

STAND. COM. REP. NO. 1026

Honolulu, Hawaii

March 19, 2013

RE: S.B. No. 868
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 868, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose of this measure as received by your Committee is to augment the operations and notice requirements of the Hawaii Labor Relations Board to make it more efficient.

Prior to the public hearing on this measure, your Committee circulated a proposed draft of this measure and notified the public that it would be accepting testimony on the proposed draft. The purpose of this proposed draft is to facilitate the collective bargaining process by requiring mandatory and binding arbitration if an employer imposes any term of a collective bargaining agreement proposal without the agreement of the exclusive representative.

Your Committee scheduled a hearing and received testimony on the proposed draft.

A concerned individual supported the proposed draft. The IMUAlliance supported the intent of the proposed draft. The Department of Budget and Finance; University of Hawaii Professional Assembly; Hawaii State Teachers Association; United Public Workers, AFSCME, Local 646, AFL-CIO; and several concerned

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individuals opposed the proposed draft. A concerned individual provided comments.

Your Committee notes that the proposed measure applies provisions to the listed bargaining units that already apply to all other public employee bargaining units under current law. In addition, your Committee understands that there are concerns regarding the proposed measure, many of which were expressed in testimony. Nonetheless, your Committee has amended the bill as received by adopting the proposed measure and is moving it forward for discussion purposes.

The amendments adopted by your Committee include:

- (1) Mandating the submission of an impasse between the public employer and the exclusive representative of a bargaining unit to binding arbitration if the employer imposes any term of a collective bargaining proposal without agreement of the exclusive representative;
- (2) Providing for the selection of an arbitration panel;
- (3) Establishing procedures for the conduct of arbitration, including the arbitration hearing; and
- (4) Establishing procedures for the issuance of an arbitration decision by the panel.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 868, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 868, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



MARK M. NAKASHIMA, Chair



