
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89-11, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
3 "(e) If an impasse exists between a public employer and
4 the exclusive representative of bargaining unit (2), supervisory
5 employees in blue collar positions; bargaining unit (3),
6 nonsupervisory employees in white collar positions; bargaining
7 unit (4), supervisory employees in white collar positions;
8 bargaining unit (6), educational officers and other personnel of
9 the department of education under the same salary schedule;
10 bargaining unit (8), personnel of the University of Hawaii and
11 the community college system, other than faculty; bargaining
12 unit (9), registered professional nurses; bargaining unit (10),
13 institutional, health, and correctional workers; bargaining unit
14 (11), firefighters; bargaining unit (12), police officers;
15 bargaining unit (13), professional and scientific employees; or
16 bargaining unit (14), state law enforcement officers and state
17 and county ocean safety and water safety officers, the board
18 shall assist in the resolution of the impasse as follows:



1 (1) Mediation. During the first twenty days after the
2 date of impasse, the board shall immediately appoint a
3 mediator, representative of the public from a list of
4 qualified persons maintained by the board, to assist
5 the parties in a voluntary resolution of the impasse.

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

12 (A) Arbitration panel. Two members of the
13 arbitration panel shall be selected by the
14 parties; one shall be selected by the employer
15 and one shall be selected by the exclusive
16 representative. The neutral third member of the
17 arbitration panel, who shall chair the
18 arbitration panel, shall be selected by mutual
19 agreement of the parties. In the event that the
20 parties fail to select the neutral third member
21 of the arbitration panel within thirty days from
22 the date of impasse, the board shall request the



1 American Arbitration Association, or its
2 successor in function, to furnish a list of five
3 qualified arbitrators from which the neutral
4 arbitrator shall be selected. Within five days
5 after receipt of the list, the parties shall
6 alternately strike names from the list until a
7 single name is left, who shall be immediately
8 appointed by the board as the neutral arbitrator
9 and chairperson of the arbitration panel.

10 (B) Final positions. Upon the selection and
11 appointment of the arbitration panel, each party
12 shall submit to the panel, in writing, with copy
13 to the other party, a final position which shall
14 include all provisions in any existing collective
15 bargaining agreement not being modified, all
16 provisions already agreed to in negotiations, and
17 all further provisions which each party is
18 proposing for inclusion in the final agreement.
19 The final positions submitted by each party to
20 the arbitration panel shall include only those
21 specific proposals that have been previously
22 submitted in writing before impasse and about



1 which an impasse in bargaining has been reached.
2 Absent agreement by the parties or lack of
3 objection, the parties are strictly prohibited
4 from including in their final positions any
5 proposals that were not previously submitted in
6 writing before impasse and about which an impasse
7 in bargaining has not been reached. The
8 arbitration panel shall decide whether final
9 positions are compliant with this provision and
10 which proposals may be considered for inclusion
11 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 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Collective Bargaining; Arbitration

Description:

Amends a provision of the final position in a collective bargaining arbitration to include only proposals that were submitted before impasse. Provides the arbitration panel with authority to determine if final positions submitted are compliant with statutory requirements. (HB1977 HD1)

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

