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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. 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 on July 1, 2030.



**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. Effective July 1, 2030. (HB1977 HD2)

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

