
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 1. By amending subsections (a) and (b) to read:

4 "(a) All employees throughout the State within any of the
5 following categories shall constitute an appropriate bargaining
6 unit:

- 7 (1) Nonsupervisory employees in blue collar positions;
- 8 (2) Supervisory employees in blue collar positions;
- 9 (3) Nonsupervisory employees in white collar positions;
- 10 (4) Supervisory employees in white collar positions;
- 11 (5) Teachers and other personnel of the department of
12 education under the same pay schedule, including part-
13 time employees working less than twenty hours a week
14 who are equal to one-half of a full-time equivalent;
- 15 (6) Educational officers and other personnel of the
16 department of education under the same pay schedule;
- 17 (7) Faculty of the University of Hawaii and the community
18 college system;



- 1 (8) Personnel of the University of Hawaii and the
2 community college system, other than faculty;
3 (9) Registered professional nurses;
4 (10) Institutional, health, and correctional workers;
5 (11) Firefighters;
6 (12) Police officers;
7 (13) Professional and scientific employees, who cannot be
8 included in any of the other bargaining units; [and]
9 (14) State law enforcement officers and state and county
10 ocean safety and water safety officers[-]; and
11 (15) Employees of the Hawaii health systems corporation.

12 (b) Because of the nature of work involved and the
13 essentiality of certain occupations that require specialized
14 training, supervisory employees who are eligible for inclusion
15 in units (9) through [~~(14)~~] (15) shall be included in units (9)
16 through [~~(14)~~] (15), respectively, instead of unit (2) or (4)."

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

18 "(d) For the purpose of negotiating a collective
19 bargaining agreement, the public employer of an appropriate
20 bargaining unit shall mean the governor together with the
21 following employers:



- 1 (1) For bargaining units (1), (2), (3), (4), (9), (10),
2 (13), and (14), the governor shall have six votes and
3 the mayors, and the chief justice[, ~~and the Hawaii~~
4 ~~health systems corporation board~~] shall each have one
5 vote if they have employees in the particular
6 bargaining unit;
- 7 (2) For bargaining units (11) and (12), the governor shall
8 have four votes and the mayors shall each have one
9 vote;
- 10 (3) For bargaining units (5) and (6), the governor shall
11 have three votes, the board of education shall have
12 two votes, and the superintendent of education shall
13 have one vote; [and]
- 14 (4) For bargaining units (7) and (8), the governor shall
15 have three votes, the board of regents of the
16 University of Hawaii shall have two votes, and the
17 president of the University of Hawaii shall have one
18 vote [-]; and
- 19 (5) For bargaining unit (15), the governor shall have
20 three votes and the Hawaii health systems corporation
21 board shall have three votes.



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 that case, the simple majority shall include at
5 least one county."

6 SECTION 2. Section 89-8.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§89-8.5[+] Negotiating authority; Hawaii health
9 systems corporation. (a) Notwithstanding any law to the
10 contrary, including section 89-6(d), the Hawaii health systems
11 corporation or any of the regional boards, as a sole employer
12 negotiator, may negotiate with the exclusive representative of
13 any appropriate bargaining unit and execute memorandums of
14 understanding for employees under its control to alter any
15 existing or new collective bargaining agreement on any item or
16 items subject to section 89-9.

17 (b) The Hawaii health systems corporation may withhold or
18 alter the benefits packages of employees for compensation that
19 exceeds the compensation for those employees who otherwise
20 receive those withheld or altered benefits."

21 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
22 amended by amending subsection (e) to read as follows:



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

19 (1) Mediation. During the first twenty days after the
20 date of impasse, the board shall immediately appoint a
21 mediator, representative of the public from a list of



1 qualified persons maintained by the board, to assist
2 the parties in a voluntary resolution of the impasse.

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

9 (A) Arbitration panel. Two members of the
10 arbitration panel shall be selected by the
11 parties; one shall be selected by the employer
12 and one shall be selected by the exclusive
13 representative. The neutral third member of the
14 arbitration panel, who shall chair the
15 arbitration panel, shall be selected by mutual
16 agreement of the parties. In the event that the
17 parties fail to select the neutral third member
18 of the arbitration panel within thirty days from
19 the date of impasse, the board shall request the
20 American Arbitration Association, or its
21 successor in function, to furnish a list of five
22 qualified arbitrators from which the neutral



1 arbitrator shall be selected. Within five days
2 after receipt of the list, the parties shall
3 alternately strike names from the list until a
4 single name is left, who shall be immediately
5 appointed by the board as the neutral arbitrator
6 and chairperson of the arbitration panel.

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

16 (C) Arbitration hearing. Within one hundred twenty
17 days of its appointment, the arbitration panel
18 shall commence a hearing at which time the
19 parties may submit either in writing or through
20 oral testimony, all information or data
21 supporting their respective final positions. The
22 arbitrator, or the chairperson of the arbitration



1 panel together with the other two members, are
2 encouraged to assist the parties in a voluntary
3 resolution of the impasse through mediation, to
4 the extent practicable throughout the entire
5 arbitration period until the date the panel is
6 required to issue its arbitration decision.

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



1 SECTION 4. The rights, benefits, and privileges currently
 2 enjoyed by employees of the Hawaii health systems corporation,
 3 including those rights, benefits, and privileges under chapters
 4 76, 78, 87A, and 88, Hawaii Revised Statutes, shall not be
 5 impaired or diminished as a result of these employees being
 6 transitioned to the newly created bargaining unit (15). The
 7 transition to the new bargaining unit (15) shall not result in
 8 any break in service for the affected employees. The rights,
 9 benefits, and privileges currently enjoyed by employees of the
 10 Hawaii health systems corporation shall be maintained under
 11 their existing collective bargaining agreement and any successor
 12 agreement until a collective bargaining agreement is negotiated
 13 for the new bargaining unit (15).

14 SECTION 5. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 6. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2014.

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INTRODUCED BY: *Hakaduma*
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H.B. NO. 2216

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JAN 21 2014



H.B. NO. 2216

Report Title:

Collective Bargaining; Hawaii Health Systems Corporation

Description:

Establishes a separate bargaining unit for employees of the HHSC. Authorizes HHSC to withhold or alter the benefits packages of certain employees.

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

