

---

---

# 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~~] that  
14 shall include all provisions in any existing  
15 collective bargaining agreement not being  
16 modified, all provisions already agreed to in  
17 negotiations, and all further provisions which  
18 each party is proposing for inclusion in the  
19 final agreement. Absent agreement by the  
20 parties, lack of objection, or good cause, the  
21 parties are prohibited from including in their  
22 final positions any proposals that were not



1 previously submitted in writing before impasse  
2 and about which an impasse in bargaining has not  
3 been reached. The arbitration panel shall decide  
4 whether final positions comply with this  
5 subparagraph and which proposals may be  
6 considered for inclusion in the final agreement.

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

20 (D) Arbitration decision. Within thirty days after  
21 the conclusion of the hearing, a majority of the  
22 arbitration panel shall reach a decision pursuant



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

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Collective Bargaining; Impasse; Arbitration; Final Positions

**Description:**

Prohibits parties in arbitration from including in their final positions any proposals that were not previously submitted in writing before impasse and about which an impasse in collective bargaining has not been reached. Authorizes the arbitration panel to decide whether final positions comply with all requirements and which proposals may be considered for inclusion in the final agreement. Effective 07/01/50. (SD1)

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

