

JAN 18 2013

---

---

# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1           SECTION 1. The purpose of this Act is to establish a new  
2 collective bargaining unit to represent state law enforcement  
3 officers.

4           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
5 amended as follows:

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

7           "(a) All employees throughout the State within any of the  
8 following categories shall constitute an appropriate bargaining  
9 unit:

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



- 1           (6) Educational officers and other personnel of the
- 2                   department of education under the same pay schedule;
- 3           (7) Faculty of the University of Hawaii and the community
- 4                   college system;
- 5           (8) Personnel of the University of Hawaii and the
- 6                   community college system, other than faculty;
- 7           (9) Registered professional nurses;
- 8           (10) Institutional, health, and correctional workers;
- 9           (11) Firefighters;
- 10          (12) Police officers; ~~[and]~~
- 11          (13) Professional and scientific employees, who cannot be
- 12                   included in any of the other bargaining units ~~[-]~~; and
- 13          (14) State law enforcement officers.

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

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

20           "(d) For the purpose of negotiating a collective  
21           bargaining agreement, the public employer of an appropriate



1 bargaining unit shall mean the governor together with the  
2 following employers:

3 (1) For bargaining units (1), (2), (3), (4), (9), (10),  
4 [~~and~~] (13), and (14), the governor shall have six  
5 votes and the mayors, the chief justice, and the  
6 Hawaii health systems corporation board shall each  
7 have one vote if they have employees in the particular  
8 bargaining unit;

9 (2) For bargaining units (11) and (12), the governor shall  
10 have four votes and the mayors shall each have one  
11 vote;

12 (3) For bargaining units (5) and (6), the governor shall  
13 have three votes, the board of education shall have  
14 two votes, and the superintendent of education shall  
15 have one vote; and

16 (4) For bargaining units (7) and (8), the governor shall  
17 have three votes, the board of regents of the  
18 University of Hawaii shall have two votes, and the  
19 president of the University of Hawaii shall have one  
20 vote.

21 Any decision to be reached by the applicable employer group  
22 shall be on the basis of simple majority, except when a



1 bargaining unit includes county employees from more than one  
2 county. In such case, the simple majority shall include at  
3 least one county."

4 SECTION 3. Section 89-7, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) No election shall be directed by the board in any  
7 appropriate bargaining unit within which [~~1~~]-a]:

8 (1) A valid election has been held in the preceding twelve  
9 months; [~~or~~]-~~(2)~~-a]

10 (2) A valid collective bargaining agreement is in force  
11 and effect [~~-~~]; or

12 (3) The bargaining unit has been established for \_\_\_\_\_  
13 months or less and is composed of employees currently  
14 covered by a valid collective bargaining agreement."

15 SECTION 4. Section 89-11, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) If an impasse exists between a public employer and  
18 the exclusive representative of bargaining unit (2), supervisory  
19 employees in blue collar positions; bargaining unit (3),  
20 nonsupervisory employees in white collar positions; bargaining  
21 unit (4), supervisory employees in white collar positions;  
22 bargaining unit (6), educational officers and other personnel of



1 the department of education under the same salary schedule;  
2 bargaining unit (8), personnel of the University of Hawaii and  
3 the community college system, other than faculty; bargaining  
4 unit (9), registered professional nurses; bargaining unit (10),  
5 institutional, health, and correctional workers; bargaining unit  
6 (11), firefighters; bargaining unit (12), police officers; [~~or~~]  
7 bargaining unit (13), professional and scientific employees[~~;~~];  
8 or bargaining unit (14), state law enforcement officers, the  
9 board shall assist in the resolution of the impasse as follows:

10 (1) Mediation. During the first twenty days after the  
11 date of impasse, the board shall immediately appoint a  
12 mediator, representative of the public from a list of  
13 qualified persons maintained by the board, to assist  
14 the parties in a voluntary resolution of the  
15 impasse [~~;~~]; and

16 (2) Arbitration. If the impasse continues twenty days  
17 after the date of impasse, the board shall immediately  
18 notify the employer and the exclusive representative  
19 that the impasse shall be submitted to a three-member  
20 arbitration panel who shall follow the arbitration  
21 procedure provided herein [~~;~~];



1           (A) Arbitration panel. Two members of the  
2           arbitration panel shall be selected by the  
3           parties; one shall be selected by the employer  
4           and one shall be selected by the exclusive  
5           representative. The neutral third member of the  
6           arbitration panel, who shall chair the  
7           arbitration panel, shall be selected by mutual  
8           agreement of the parties. In the event that the  
9           parties fail to select the neutral third member  
10          of the arbitration panel within thirty days from  
11          the date of impasse, the board shall request the  
12          American Arbitration Association, or its  
13          successor in function, to furnish a list of five  
14          qualified arbitrators from which the neutral  
15          arbitrator shall be selected. Within five days  
16          after receipt of such list, the parties shall  
17          alternately strike names from the list until a  
18          single name is left, who shall be immediately  
19          appointed by the board as the neutral arbitrator  
20          and chairperson of the arbitration panel[-];  
21          (B) Final positions. Upon the selection and  
22          appointment of the arbitration panel, each party



1 shall submit to the panel, in writing, with copy  
2 to the other party, a final position which shall  
3 include all provisions in any existing collective  
4 bargaining agreement not being modified, all  
5 provisions already agreed to in negotiations, and  
6 all further provisions which each party is  
7 proposing for inclusion in the final  
8 agreement[-] i

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



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

17          SECTION 5. The employers and exclusive representative  
18          shall meet with and consult with each other and shall submit to  
19          the legislature, no later than twenty days prior to the  
20          convening of the 2014 regular session, a report identifying all  
21          those workers and corresponding classes of work that would meet  
22          the definition of and be migrated over to the newly created





1 bargaining unit (14), state law enforcement officers,  
2 established under this Act. The report to the legislature shall  
3 include any and all statutory amendments required to formalize  
4 the creation and establishment of the new bargaining unit and  
5 migration of employees to the new bargaining unit without loss  
6 of accrued benefits, seniority, and wages.

7 SECTION 6. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect on July 1, 2013.

13

INTRODUCED BY: Wilkens

Randy de Beek



**Report Title:**

Collective Bargaining; State Law Enforcement Officers; BU (14)

**Description:**

Creates bargaining unit (14) to represent state law enforcement officers. Clarifies that no election shall be directed by the Hawaii labor relations board in any newly created bargaining unit of employees who are currently covered by a valid collective bargaining agreement. Requires employers and exclusive representatives to report to legislature on certain information about the new bargaining unit.

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

