

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

3 1. By amending subsection (a) 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; [~~and~~]
- 7 (13) Professional and scientific employees, who cannot be
- 8 included in any of the other bargaining units[~~-~~]; and
- 9 (14) Ocean safety officers and water safety officers
- 10 employed by the State or counties."

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

12 "(d) For the purpose of negotiating a collective

13 bargaining agreement, the public employer of an appropriate

14 bargaining unit shall mean the governor together with the

15 following employers:

- 16 (1) For bargaining units (1), (2), (3), (4), (9), (10),
- 17 and (13), the governor shall have six votes and the
- 18 mayors, the chief justice, and the Hawaii health
- 19 systems corporation board shall each have one vote if
- 20 they have employees in the particular bargaining unit;



1 (2) For bargaining units (11) [~~and~~], (12), and (14), the
2 governor shall have four votes and the mayors shall
3 each have one vote;

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

8 (4) For bargaining units (7) and (8), the governor shall
9 have three votes, the board of regents of the
10 University of Hawaii shall have two votes, and the
11 president of the University of Hawaii shall have one
12 vote.

13 Any decision to be reached by the applicable employer group
14 shall be on the basis of simple majority, except when a
15 bargaining unit includes county employees from more than one
16 county. In such case, the simple majority shall include at
17 least one county."

18 SECTION 2. Section 89-7, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) No election shall be directed by the board in any
21 appropriate bargaining unit within which:



- 1 (1) [~~a~~] A valid election has been held in the preceding
- 2 twelve months; [~~or~~]
- 3 (2) [~~a~~] A valid collective bargaining agreement is in
- 4 force and effect[~~or~~]; or
- 5 (3) A new bargaining unit is created, composed of
- 6 employees currently covered by a valid collective
- 7 bargaining agreement."

8 SECTION 3. Section 89-11, Hawaii Revised Statutes, is

9 amended by amending subsection (e) to read as follows:

10 "(e) If an impasse exists between a public employer and

11 the exclusive representative of bargaining unit (2), supervisory

12 employees in blue collar positions; bargaining unit (3),

13 nonsupervisory employees in white collar positions; bargaining

14 unit (4), supervisory employees in white collar positions;

15 bargaining unit (6), educational officers and other personnel of

16 the department of education under the same salary schedule;

17 bargaining unit (8), personnel of the University of Hawaii and

18 the community college system, other than faculty; bargaining

19 unit (9), registered professional nurses; bargaining unit (10),

20 institutional, health, and correctional workers; bargaining unit

21 (11), firefighters; bargaining unit (12), police officers; [~~or~~]

22 bargaining unit (13), professional and scientific employees[~~or~~];



1 or bargaining unit (14), ocean safety officers and water safety
2 officers employed by the State or counties, the board shall
3 assist in the resolution of the impasse as follows:

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

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

15 (A) Arbitration panel. Two members of the
16 arbitration panel shall be selected by the
17 parties; one shall be selected by the employer
18 and one shall be selected by the exclusive
19 representative. The neutral third member of the
20 arbitration panel, who shall chair the
21 arbitration panel, shall be selected by mutual
22 agreement of the parties. In the event that the



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

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



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

14 (D) Arbitration decision. Within thirty days after
15 the conclusion of the hearing, a majority of the
16 arbitration panel shall reach a decision pursuant
17 to subsection (f) on all provisions that each
18 party proposed in its respective final position
19 for inclusion in the final agreement and transmit
20 a preliminary draft of its decision to the
21 parties. The parties shall review the
22 preliminary draft for completeness, technical



1 correctness, and clarity and may mutually submit
2 to the panel any desired changes or adjustments
3 that shall be incorporated in the final draft of
4 its decision. Within fifteen days after the
5 transmittal of the preliminary draft, a majority
6 of the arbitration panel shall issue the
7 arbitration decision."

8 SECTION 4. The employers and exclusive representative
9 shall meet and consult to submit to the legislature, no later
10 than twenty days prior to the convening of the 2014 regular
11 session, a report identifying all those workers and
12 corresponding classes of work that would meet the definition of
13 and be migrated over to the newly created bargaining unit (14),
14 ocean safety officers and water safety officers employed by the
15 State or counties, established under this Act. The report to
16 the legislature shall include any and all statutory amendments
17 required to formalize the creation, establishment, and migration
18 of employees to the new bargaining unit without loss of accrued
19 benefits, seniority, and wages.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval;
2 provided that the newly established bargaining unit (14) shall
3 take effect no later than July 1, 2014.

4

INTRODUCED BY: *Tommy Merenda*

By Request



Report Title:

Kauai County Package; Public Employment; Collective Bargaining Unit; Ocean and Water Safety Officers

Description:

Establishes a collective bargaining unit for state or county ocean and water safety officers. Exempts new collective bargaining units from the election process when composed of employees covered by a valid agreement.

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

