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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

**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 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;



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

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 ~~[(14)]~~ (15) shall be included in units (9)  
 18 through ~~[(14)]~~, (15), 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 (13), and (14), the governor shall have [~~six~~] five  
5 votes and the mayors[~~7~~] and the chief justice[~~7~~ ~~and~~  
6 ~~the Hawaii health systems corporation board~~] shall  
7 each have one vote if they have employees in the  
8 particular 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 [~~-~~]; and



1       (5) For bargaining unit (15), the governor shall have one  
2       vote and the Hawaii health systems corporation board  
3       shall have one vote.

4 Any decision to be reached by the applicable employer group  
5 shall be on the basis of simple majority, except when a  
6 bargaining unit includes county employees from more than one  
7 county. In that case, the simple majority shall include at  
8 least one county."

9       SECTION 2. Section 89-11, Hawaii Revised Statutes, is  
10 amended by amending subsection (e) to read as follows:

11       "(e) If an impasse exists between a public employer and  
12 the exclusive representative of bargaining unit (2), supervisory  
13 employees in blue collar positions; bargaining unit (3),  
14 nonsupervisory employees in white collar positions; bargaining  
15 unit (4), supervisory employees in white collar positions;  
16 bargaining unit (6), educational officers and other personnel of  
17 the department of education under the same salary schedule;  
18 bargaining unit (8), personnel of the University of Hawaii and  
19 the community college system, other than faculty; bargaining  
20 unit (9), registered professional nurses; bargaining unit (10),  
21 institutional, health, and correctional workers; bargaining unit



1 (11), firefighters; bargaining unit (12), police officers;  
 2 bargaining unit (13), professional and scientific employees;  
 3 [~~or~~] bargaining unit (14), state law enforcement officers and  
 4 state and county ocean safety and water safety officers[~~7~~];  
 5 bargaining unit (15), employees with the Hawaii health systems  
 6 corporation, the board shall assist in the resolution of the  
 7 impasse as follows:

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

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

19 (A) Arbitration panel. Two members of the  
 20 arbitration panel shall be selected by the  
 21 parties; one shall be selected by the employer



1 and one shall be selected by the exclusive  
2 representative. The neutral third member of the  
3 arbitration panel, who shall chair the  
4 arbitration panel, shall be selected by mutual  
5 agreement of the parties. [~~In the event that~~] If  
6 the parties fail to select the neutral third  
7 member of the arbitration panel within thirty  
8 days from the date of impasse, the board shall  
9 request the American Arbitration Association, or  
10 its successor in function, to furnish a list of  
11 five qualified arbitrators from which the neutral  
12 arbitrator shall be selected. Within five days  
13 after receipt of the list, the parties shall  
14 alternately strike names from the list until a  
15 single name is left, who shall be immediately  
16 appointed by the board as the neutral arbitrator  
17 and chairperson of the arbitration panel.

18 (B) Final positions. Upon the selection and  
19 appointment of the arbitration panel, each party  
20 shall submit to the panel, in writing, with copy  
21 to the other party, a final position that shall



1 include all provisions in any existing collective  
2 bargaining agreement not being modified, all  
3 provisions already agreed to in negotiations, and  
4 all further provisions [~~which~~] that each party is  
5 proposing for inclusion in the final agreement;  
6 provided that such further provisions shall be  
7 limited to those specific proposals that were  
8 submitted in writing to the other party and were  
9 the subject of collective bargaining between the  
10 parties up to the time of the impasse, including  
11 those specific proposals that the parties have  
12 decided to include through a written mutual  
13 agreement. The arbitration panel shall decide  
14 whether final positions are compliant with this  
15 provision and which proposals may be considered  
16 for inclusion in the final agreement.

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



1 supporting their respective final positions. The  
2 arbitrator, or the chairperson of the arbitration  
3 panel together with the other two members, are  
4 encouraged to assist the parties in a voluntary  
5 resolution of the impasse through mediation, to  
6 the extent practicable throughout the entire  
7 arbitration period until the date the panel is  
8 required to issue its arbitration decision.

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





1 transmittal of the preliminary draft, a majority  
2 of the arbitration panel shall issue the  
3 arbitration decision."

4 SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2090, and  
10 shall apply to collective bargaining agreements negotiated after  
11 that date.



**Report Title:**

Hawaii Health Systems Corporation; Collective Bargaining Units

**Description:**

Establishes collective bargaining unit (15) for employees with the Hawaii Health Systems Corporation. (HD1)

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

