

JAN 20 2017

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# 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 allow full-time  
2 graduate students employed by the University of Hawaii to  
3 collectively bargain.

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

6           1. By amending subsection (a) 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;



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- 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;  
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 and state and county  
14          ocean safety and water safety officers[-]; and  
15          (15) Full-time graduate student assistants employed by the  
16          University of Hawaii."

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, the chief justice, and the Hawaii health  
4           systems corporation board shall each have one vote if  
5           they have employees in the particular bargaining unit;  
6           (2) For bargaining units (11) and (12), the governor shall  
7           have four votes and the mayors shall each have one  
8           vote;  
9           (3) For bargaining units (5) and (6), the governor shall  
10           have three votes, the board of education shall have  
11           two votes, and the superintendent of education shall  
12           have one vote; and  
13           (4) For bargaining units (7) [~~and~~], (8), and (15), the  
14           governor shall have three votes, the board of regents  
15           of the University of Hawaii shall have two votes, and  
16           the president of the University of Hawaii shall have  
17           one vote.
- 18 Any decision to be reached by the applicable employer group  
19 shall be on the basis of simple majority, except when a  
20 bargaining unit includes county employees from more than one



1 county. In that case, the simple majority shall include at  
2 least one county."

3 3. By amending subsection (f) to read:

4 "(f) The following individuals shall not be included in  
5 any appropriate bargaining unit or be entitled to coverage under  
6 this chapter:

7 (1) Elected or appointed official;

8 (2) Member of any board or commission; provided that  
9 nothing in this paragraph shall prohibit a member of a  
10 collective bargaining unit from serving on a governing  
11 board of a charter school, on the state public charter  
12 school commission, or as a charter school authorizer  
13 established under chapter 302D;

14 (3) Top-level managerial and administrative personnel,  
15 including the department head, deputy or assistant to  
16 a department head, administrative officer, director,  
17 or chief of a state or county agency or major  
18 division, and legal counsel;

19 (4) Secretary to top-level managerial and administrative  
20 personnel under paragraph (3);



- 1           (5) Individual concerned with confidential matters
- 2           affecting employee-employer relations;
- 3           (6) Part-time employee working less than twenty hours per
- 4           week, except part-time employees included in unit (5);
- 5           (7) Part-time graduate student assistants employed by the
- 6           University of Hawaii;
- 7           ~~[(7)]~~ (8) Temporary employee of three months' duration or
- 8           less;
- 9           ~~[(8)]~~ (9) Employee of the executive office of the governor
- 10          or a household employee at Washington Place;
- 11          ~~[(9)]~~ (10) Employee of the executive office of the
- 12          lieutenant governor;
- 13          ~~[(10)]~~ (11) Employee of the executive office of the mayor;
- 14          ~~[(11)]~~ (12) Staff of the legislative branch of the State;
- 15          ~~[(12)]~~ (13) Staff of the legislative branches of the
- 16          counties, except employees of the clerks' offices of
- 17          the counties;
- 18          ~~[(13)]~~ (14) Any commissioned and enlisted personnel of the
- 19          Hawaii national guard;
- 20          ~~[(14)]~~ (15) Inmate, kokua, patient, ward, or student of a
- 21          state institution;





1           impasse by appointing a mediator or mediators,  
2           representative of the public from a list of qualified  
3           persons maintained by the board;

4           (2) Mediation. If the impasse continues more than twenty  
5           days, the board shall appoint a mediator or mediators  
6           representative of the public from a list of qualified  
7           persons maintained by the board, to assist the parties  
8           in a voluntary resolution of the impasse. The board  
9           may compel the parties to attend mediation, reasonable  
10          in time and frequency, until the fiftieth day of  
11          impasse. Thereafter, mediation shall be elective with  
12          the parties, subject to the approval of the board;

13          (3) Report of the board. The board shall promptly report  
14          to the appropriate legislative body or bodies the  
15          following circumstances as each occurs:

16                (A) The date of a tentative agreement and whether the  
17                terms thereof are confidential between the  
18                parties;

19                (B) The ratification or failure of ratification of a  
20                tentative agreement;

21                (C) The signing of a tentative agreement;



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- 1 (D) The terms of a tentative agreement; or
- 2 (E) On or about the fiftieth day of impasse, the
- 3 failure of mediation.

4 The parties shall provide the board with the requisite  
 5 information; and

- 6 (4) After the fiftieth day of impasse, the parties may
- 7 resort to such other remedies that are not prohibited
- 8 by any agreement pending between them, other
- 9 provisions of this chapter, or any other law."

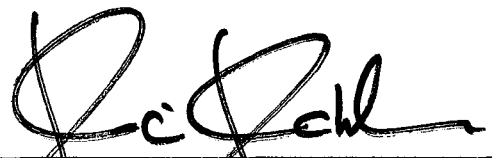
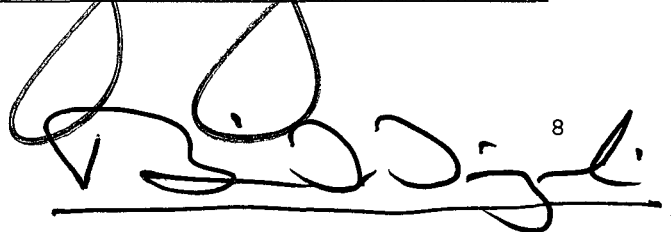
10 SECTION 4. This Act does not affect rights and duties that  
 11 matured, penalties that were incurred, and proceedings that were  
 12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval;  
 16 provided that the collective bargaining unit established by this  
 17 Act shall not be authorized to form until July 1, 2018, to allow  
 18 the collective bargaining unit sufficient time to organize and  
 19 plan.

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INTRODUCED BY:

  
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# S.B. NO. 406

*Michelle N. Kulan*  
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*Will Gyo*



# S.B. NO. 406

**Report Title:**

Collective Bargaining; Graduate Student Assistants; University of Hawaii

**Description:**

Establishes a collective bargaining unit for full-time graduate student assistants employed by the University of Hawaii. Delays formation of the graduate student assistant collective bargaining unit until 7/1/2018.

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

