

JAN 19 2018

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 graduate
2 student assistants 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;



- 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) Graduate student assistants employed by the University
16 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 units (5) and (15);
6 (7) Temporary employee of three months' duration or less;
7 (8) Employee of the executive office of the governor or a
8 household employee at Washington Place;
9 (9) Employee of the executive office of the lieutenant
10 governor;
11 (10) Employee of the executive office of the mayor;
12 (11) Staff of the legislative branch of the State;
13 (12) Staff of the legislative branches of the counties,
14 except employees of the clerks' offices of the
15 counties;
16 (13) Any commissioned and enlisted personnel of the Hawaii
17 national guard;
18 (14) Inmate, kokua, patient, or ward~~[, or student of a~~
19 ~~state institution]~~;
20 ~~[-(15) Student help;~~
21 ~~-(16)]~~ (15) Staff of the Hawaii labor relations board;



1 [~~(17)~~] (16) Employees of the Hawaii national guard youth
2 challenge academy; or

3 [~~(18)~~] (17) Employees of the office of elections."

4 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
5 amended by amending subsection (d) to read as follows:

6 "(d) If an impasse exists between a public employer and
7 the exclusive bargaining representative of bargaining unit (1),
8 nonsupervisory employees in blue collar positions; bargaining
9 unit (5), teachers and other personnel of the department of
10 education; [~~or~~] bargaining unit (7), faculty of the University
11 of Hawaii and the community college system~~[7]~~; or bargaining
12 unit (15), graduate student assistants employed by the
13 University of Hawaii, the board shall assist in the resolution
14 of the impasse as follows:

15 (1) Voluntary mediation. During the first twenty days of
16 the date of impasse, either party may request the
17 board to assist in a voluntary resolution of the
18 impasse by appointing a mediator or mediators,
19 representative of the public from a list of qualified
20 persons maintained by the board;



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

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

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

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

(C) The signing of a tentative agreement;

(D) The terms of a tentative agreement; or

(E) On or about the fiftieth day of impasse, the failure of mediation.



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

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

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

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

SECTION 6. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

Revised
D.C. Kitchen
Beck



S.B. NO. 2585

Report Title:

Collective Bargaining; Graduate Student Assistants; University of Hawaii

Description:

Establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii.

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