
A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

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

1 SECTION 1. Section 89-5, Hawaii Revised Statutes, is
2 amended by amending subsection (i) to read as follows:
3 "(i) In addition to the powers and functions provided in
4 other sections of this chapter, the board shall:
5 (1) Establish procedures for, investigate, and resolve [7]
6 any dispute concerning the designation of an
7 appropriate bargaining unit and the application of
8 section 89-6 to specific employees and positions;
9 (2) Establish procedures for, resolve disputes with
10 respect to, and supervise the conduct of [7] elections
11 for the determination of employee representation;
12 (3) Resolve controversies under this chapter;
13 (4) Conduct proceedings on complaints of prohibited
14 practices by employers, employees, and employee
15 organizations and take such actions with respect
16 thereto as it deems necessary and proper;



- 1 (5) Hold such hearings and make such inquiries, as it
2 deems necessary, to carry out properly its functions
3 and powers, and for the purpose of such hearings and
4 inquiries, administer oaths and affirmations, examine
5 witnesses and documents, take testimony and receive
6 evidence, compel attendance of witnesses and the
7 production of documents by the issuance of subpoenas,
8 and delegate such powers to any member of the board or
9 any person appointed by the board for the performance
10 of its functions;
- 11 (6) Determine qualifications and establish, after
12 reviewing nominations submitted by the public
13 employers and employee organizations, lists of
14 qualified persons, broadly representative of the
15 public, to be available to serve as mediators [~~or~~],
16 grievance arbitrators [~~and~~], or a combination thereof;
- 17 (7) Resolve disputes over the qualifications and criteria
18 of the list of five qualified arbitrators provided
19 pursuant to section 89-11(e) (2) (A) ;
- 20 [~~7~~] (8) Establish a fair and reasonable range of daily or
21 hourly rates at which mediators and arbitrators on the



1 lists established under paragraph (6) are to be
 2 compensated;

3 ~~[(8)]~~ (9) Conduct studies on problems pertaining to public
 4 employee-management relations, and make
 5 recommendations with respect thereto to the
 6 legislative bodies; request information and data from
 7 state and county departments and agencies and employee
 8 organizations necessary to carry out its functions and
 9 responsibilities; make available to all concerned
 10 parties, including mediators and arbitrators,
 11 statistical data relating to wages, benefits, and
 12 employment practices in public and private employment
 13 to assist them in resolving issues in negotiations;

14 ~~[(9)]~~ (10) Adopt rules relative to the exercise of its
 15 powers and authority and to govern the proceedings
 16 before it in accordance with chapter 91; and

17 ~~[(10)]~~ (11) Execute all of its responsibilities in a timely
 18 manner so as to facilitate and expedite the resolution
 19 of issues before it."

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



1 "(e) If an impasse exists between a public employer and
2 the exclusive representative of bargaining unit (2), supervisory
3 employees in blue collar positions; bargaining unit (3),
4 nonsupervisory employees in white collar positions; bargaining
5 unit (4), supervisory employees in white collar positions;
6 bargaining unit (6), educational officers and other personnel of
7 the department of education under the same salary schedule;
8 bargaining unit (8), personnel of the University of Hawaii and
9 the community college system, other than faculty; bargaining
10 unit (9), registered professional nurses; bargaining unit (10),
11 institutional, health, and correctional workers; bargaining unit
12 (11), firefighters; bargaining unit (12), police officers;
13 bargaining unit (13), professional and scientific employees; or
14 bargaining unit (14), state law enforcement officers and state
15 and county ocean safety and water safety officers, the board
16 shall assist in the resolution of the impasse as follows:

17 (1) Mediation. During the first twenty days after the
18 date of impasse, the board shall immediately appoint a
19 mediator, representative of the public from a list of
20 qualified persons maintained by the board, to assist
21 the parties in a voluntary resolution of the impasse.



1 (2) Arbitration. If the impasse continues twenty days
 2 after the date of impasse, the board shall immediately
 3 notify the employer and the exclusive representative
 4 that the impasse shall be submitted to a three-member
 5 arbitration panel who shall follow the arbitration
 6 procedure provided herein.

7 (A) Arbitration panel. Two members of the
 8 arbitration panel shall be selected by the
 9 parties; one shall be selected by the employer
 10 and one shall be selected by the exclusive
 11 representative. The neutral third member of the
 12 arbitration panel, who shall chair the
 13 arbitration panel, shall be selected by mutual
 14 agreement of the parties. In the event that the
 15 parties fail to select the neutral third member
 16 of the arbitration panel within thirty days from
 17 the date of impasse, the board shall request the
 18 American Arbitration Association, or its
 19 successor in function, to furnish a list of five
 20 qualified and experienced interest arbitrators
 21 from which the neutral arbitrator shall be



1 selected. Within five days after receipt of the
2 list, the parties shall alternately strike names
3 from the list until a single name is left, who
4 shall be immediately appointed by the board as
5 the neutral arbitrator and chairperson of the
6 arbitration panel.

7 (B) Final positions. Upon the selection and
8 appointment of the arbitration panel, each party
9 shall submit to the panel, in writing, with copy
10 to the other party, a final position that shall
11 include all provisions in any existing collective
12 bargaining agreement not being modified, all
13 provisions already agreed to in negotiations, and
14 all further provisions [~~which~~] that each party is
15 proposing for inclusion in the final agreement;
16 provided that such further provisions shall be
17 limited to those specific proposals that were
18 submitted in writing to the other party and were
19 the subject of collective bargaining between the
20 parties up to the time of the impasse, including
21 those specific proposals that the parties have



1 decided to include through a written mutual
2 agreement. The arbitration panel shall decide
3 whether final positions are compliant with this
4 provision and which proposals may be considered
5 for inclusion in the final agreement.

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

19 (D) Arbitration decision. Within thirty days after
20 the conclusion of the hearing, a majority of the
21 arbitration panel shall reach a decision pursuant



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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on January 1, 2051.



Report Title:

Hawaii Labor Relations Board; Arbitrators; Arbitration;
Collective Bargaining; Impasse

Description:

Requires the Hawaii Labor Relations Board to determine qualifications for grievance arbitrators. Requires the Hawaii Labor Relations Board to resolve the disputes over the qualifications and criteria for potential arbitrators selected under certain circumstances to resolve collective bargaining impasses. (SB1498 HD1)

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