



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1136

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB1698 HD1 SD1

RELATING TO COLLECTIVE BARGAINING.
Act 031 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 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
- 12 (15) State and county ocean safety and water safety
- 13 officers.

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), and (15), the governor shall have
5 six votes and the mayors, the chief justice, and the
6 Hawaii health systems corporation board shall each
7 have one vote if they have employees in the particular
8 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.



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

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

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



1 or bargaining unit (15), state and county ocean safety and water
2 safety officers, the board shall assist in the resolution of the
3 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



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

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



1 all further provisions that each party is
2 proposing for inclusion in the final agreement;
3 provided that such further provisions shall be
4 limited to those specific proposals that were
5 submitted in writing to the other party and were
6 the subject of collective bargaining between the
7 parties up to the time of the impasse, including
8 those specific proposals that the parties have
9 decided to include through a written mutual
10 agreement. The arbitration panel shall decide
11 whether final positions are compliant with this
12 provision and which proposals may be considered
13 for inclusion in the final agreement.

14 (C) Arbitration hearing. Within one hundred twenty
15 days of its appointment, the arbitration panel
16 shall commence a hearing at which time the
17 parties may submit, either in writing or through
18 oral testimony, all information or data
19 supporting their respective final positions. The
20 arbitrator, or the chairperson of the arbitration
21 panel together with the other two members, are



1 encouraged to assist the parties in a voluntary
2 resolution of the impasse through mediation, to
3 the extent practicable throughout the entire
4 arbitration period until the date the panel is
5 required to issue its arbitration decision.

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



1 SECTION 3. The rights, benefits, and privileges currently
2 enjoyed by state and county ocean safety and water safety
3 officers, including those rights, benefits, and privileges under
4 chapters 76, 78, 87A, and 88, Hawaii Revised Statutes, shall not
5 be impaired or diminished as a result of these employees being
6 transitioned to the newly created bargaining unit (15). The
7 transition to the new bargaining unit (15) shall not result in
8 any break in service for the affected employees. The rights,
9 benefits, and privileges currently enjoyed by state and county
10 ocean safety and water safety officers shall be maintained under
11 their existing collective bargaining agreement and any successor
12 agreement until a collective bargaining agreement is negotiated
13 for the new bargaining unit (15).

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

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

19 SECTION 6. This Act shall take effect upon its approval.



APPROVED this 15 day of SEP, 2020



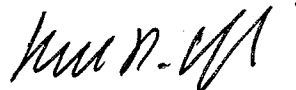
GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI'I

Date: July 1, 2020
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.



President of the Senate



Clerk of the Senate

HB No. 1698, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives