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

3 1. By amending subsections (a) and (b) to read as follows:

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~~

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 as follows:

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 votes and  
5 the mayors, the chief justice, and the Hawaii health  
6 systems corporation board shall each have one vote if  
7 they have employees in the particular bargaining unit;

8 (2) For bargaining units (11) [~~and~~], (12), and (15), the  
9 governor shall have four votes and the mayors shall  
10 each have one vote;

11 (3) For bargaining units (5) and (6), the governor shall  
12 have three votes, the board of education shall have  
13 two votes, and the superintendent of education shall  
14 have one vote; and

15 (4) For bargaining units (7) and (8), the governor shall  
16 have three votes, the board of regents of the  
17 University of Hawaii shall have two votes, and the  
18 president of the University of Hawaii shall have one  
19 vote.

20 Any decision to be reached by the applicable employer group  
21 shall be on the basis of simple majority, except when a



1 bargaining unit includes county employees from more than one  
2 county. In that case, the simple majority shall include at  
3 least one county."

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

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



1 and water safety officers, the board shall assist in the  
2 resolution of the impasse as follows:

3 (1) Mediation. During the first twenty days after the  
4 date of impasse, the board shall immediately appoint a  
5 mediator, representative of the public from a list of  
6 qualified persons maintained by the board, to assist  
7 the parties in a voluntary resolution of the impasse.

8 (2) Arbitration. If the impasse continues twenty days  
9 after the date of impasse, the board shall immediately  
10 notify the employer and the exclusive representative  
11 that the impasse shall be submitted to a three-member  
12 arbitration panel who shall follow the arbitration  
13 procedure provided herein.

14 (A) Arbitration panel. Two members of the  
15 arbitration panel shall be selected by the  
16 parties; one shall be selected by the employer  
17 and one shall be selected by the exclusive  
18 representative. The neutral third member of the  
19 arbitration panel, who shall chair the  
20 arbitration panel, shall be selected by mutual  
21 agreement of the parties. In the event that the



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

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



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

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



1           the extent practicable throughout the entire  
2           arbitration period until the date the panel is  
3           required to issue its arbitration decision.

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

20          SECTION 3. The rights, benefits, and privileges currently  
21          enjoyed by state and county ocean safety and water safety





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

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

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

18 SECTION 6. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

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JAN 22 2020



# H.B. NO. 2432

**Report Title:**

Collective Bargaining; Bargaining Unit (15); State and County Ocean and Water Safety Officers

**Description:**

Creates a new bargaining unit (15), exclusively for state and county ocean safety and water safety officers.

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

