

JAN 17 2020

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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:

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.

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S.B. NO. 2251

INTRODUCED BY: V. S. O. J.



# S.B. NO. 2251

**Report Title:**

Collective Bargaining; State Law Enforcement Officers; State and County Ocean Safety and Water Safety Officers

**Description:**

Amends bargaining unit (14). Retains state law enforcement officers under bargaining unit (14). Creates a separate bargaining unit (15) 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.*

