

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO COLLECTIVE BARGAINING.

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

SECTION 1. Section 89-6, Hawaii Revised Statutes, is amended to read as follows:

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

"(a) All employees throughout the State within any of the following categories shall constitute an appropriate bargaining unit:

(1) Nonsupervisory employees in blue collar positions;

(2) Supervisory employees in blue collar positions;

(3) Nonsupervisory employees in white collar positions;

(4) Supervisory employees in white collar positions;

(5) Teachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;

(6) Educational officers and other personnel of the department of education under the same pay schedule;



(7) Faculty of the University of Hawaii and the community college system;

(8) Personnel of the University of Hawaii and the community college system, other than faculty;

(9) Registered professional nurses;

(10) Institutional, health, and correctional workers[+], excluding adult corrections officers of the department of public safety's corrections division;

(11) Firefighters;

(12) Police officers;

(13) Professional and scientific employees, who cannot be included in any of the other bargaining units;

(14) State law enforcement officers; [~~and~~]

(15) State and county ocean safety and water safety officers[-]; and

(16) Adult corrections officers of the department of public safety's corrections division.

(b) Because of the nature of work involved and the essentiality of certain occupations that require specialized training, supervisory employees who are eligible for inclusion



1 in units (9) through [~~(15)~~] (16) shall be included in units (9)  
2 through [~~(15)~~] (16), respectively, instead of unit (2) or (4)."

3 2. By amending subsection (d) to read:

4 "(d) For the purpose of negotiating a collective  
5 bargaining agreement, the public employer of an appropriate  
6 bargaining unit shall mean the governor together with the  
7 following employers:

8 (1) For bargaining units (1), (2), (3), (4), (9), (10),  
9 (13), (14), [~~and~~] (15), and (16), the governor shall  
10 have six votes and the mayors, the chief justice, and  
11 the Hawaii health systems corporation board shall each  
12 have one vote if they have employees in the particular  
13 bargaining unit;

14 (2) For bargaining units (11) and (12), the governor shall  
15 have four votes and the mayors shall each have one  
16 vote;

17 (3) For bargaining units (5) and (6), the governor shall  
18 have three votes, the board of education shall have  
19 two votes, and the superintendent of education shall  
20 have one vote; and



1           (4) For bargaining units (7) and (8), the governor shall  
2           have three votes, the board of regents of the  
3           University of Hawaii shall have two votes, and the  
4           president of the University of Hawaii shall have one  
5           vote.

6 Any decision to be reached by the applicable employer group  
7 shall be on the basis of simple majority, except when a  
8 bargaining unit includes county employees from more than one  
9 county. In that case, the simple majority shall include at  
10 least one county."

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

13           "(e) If an impasse exists between a public employer and  
14 the exclusive representative of bargaining unit (2), supervisory  
15 employees in blue collar positions; bargaining unit (3),  
16 nonsupervisory employees in white collar positions; bargaining  
17 unit (4), supervisory employees in white collar positions;  
18 bargaining unit (6), educational officers and other personnel of  
19 the department of education under the same salary schedule;  
20 bargaining unit (8), personnel of the University of Hawaii and  
21 the community college system, other than faculty; bargaining



1 unit (9), registered professional nurses; bargaining unit (10),  
2 institutional, health, and correctional workers[+], excluding  
3 adult corrections officers of the department of public safety's  
4 corrections division; bargaining unit (11), firefighters;  
5 bargaining unit (12), police officers; bargaining unit (13),  
6 professional and scientific employees; bargaining unit (14),  
7 state law enforcement officers; [ex] bargaining unit (15), state  
8 and county ocean safety and water safety officers[+]; or  
9 bargaining unit (16), adult corrections officers of the  
10 department of public safety's corrections division, the board  
11 shall assist in the resolution of the impasse as follows:

12 (1) Mediation. During the first twenty days after the  
13 date of impasse, the board shall immediately appoint a  
14 mediator, representative of the public from a list of  
15 qualified persons maintained by the board, to assist  
16 the parties in a voluntary resolution of the impasse.

17 (2) Arbitration. If the impasse continues twenty days  
18 after the date of impasse, the board shall immediately  
19 notify the employer and the exclusive representative  
20 that the impasse shall be submitted to a three-member



1 arbitration panel who shall follow the arbitration  
2 procedure provided herein.

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



1           the neutral arbitrator and chairperson of the  
2           arbitration panel.

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



1 provision and which proposals may be considered  
2 for inclusion in the final agreement.

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

16 (D) Arbitration decision. Within thirty days after  
17 the conclusion of the hearing, a majority of the  
18 arbitration panel shall reach a decision pursuant  
19 to subsection (f) on all provisions that each  
20 party proposed in its respective final position  
21 for inclusion in the final agreement and transmit





1           a preliminary draft of its decision to the  
2           parties. The parties shall review the  
3           preliminary draft for completeness, technical  
4           correctness, and clarity and may mutually submit  
5           to the panel any desired changes or adjustments  
6           that shall be incorporated in the final draft of  
7           its decision. Within fifteen days after the  
8           transmittal of the preliminary draft, a majority  
9           of the arbitration panel shall issue the  
10          arbitration decision."

11          SECTION 3. The rights, benefits, and privileges currently  
12       enjoyed by adult corrections officers of the department of  
13       public safety's correction division, including those rights,  
14       benefits, and privileges under chapters 76, 78, 87A, and 88,  
15       Hawaii Revised Statutes, shall not be impaired or diminished as  
16       a result of these employees being transitioned to the newly  
17       created bargaining unit (16). The transition to the new  
18       bargaining unit (16) shall not result in any break in service  
19       for the affected employees. The rights, benefits, and  
20       privileges currently enjoyed by state and county ocean safety  
21       and water safety officers shall be maintained under their



1 existing collective bargaining agreement and any successor  
2 agreement until a collective bargaining agreement is negotiated  
3 for the new bargaining unit (16).

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

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

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

10  
INTRODUCED BY:

R. J. O. J.  
by request



# S.B. NO. 2703

**Report Title:**

Collective Bargaining; Institutional, Health, and Correctional Workers; Adult Corrections Officers; Department of Public Safety Corrections Division

**Description:**

Retains institutional, health, and correctional workers except for Adult Corrections Officers of the Department of Public Safety's Corrections Division under bargaining unit (10). Creates a separate bargaining unit (16) for Adult Corrections Officers of the Department of Public Safety's Corrections Division.

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