

---

# A BILL FOR AN ACT

---

RELATING TO COLLECTIVE BARGAINING.

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

1       SECTION 1. Section 89-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:  
3       "(e) If an impasse exists between a public employer and  
4 the exclusive representative of bargaining unit (2), supervisory  
5 employees in blue collar positions; bargaining unit (3),  
6 nonsupervisory employees in white collar positions; bargaining  
7 unit (4), supervisory employees in white collar positions;  
8 bargaining unit (6), educational officers and other personnel of  
9 the department of education under the same salary schedule;  
10 bargaining unit (8), personnel of the ~~[University]~~ university of  
11 Hawaii and the community college system, other than faculty;  
12 bargaining unit (9), registered professional nurses; bargaining  
13 unit (10), institutional, health, and correctional workers;  
14 bargaining unit (11), firefighters; bargaining unit (12), police  
15 officers; bargaining unit (13), professional and scientific  
16 employees; bargaining unit (14), state law enforcement officers;  
17 or bargaining unit (15), state and county ocean safety and water



1 safety officers, the board shall assist in the resolution of the  
2 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  
8 impasse[-]; and

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.~~] in this paragraph:

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[~~7~~] or Federal  
6 Mediation and Conciliation Service, or [~~its~~  
7 successor] their respective successors in  
8 function, to furnish a list of five qualified and  
9 experienced interest arbitrators from which the  
10 neutral arbitrator shall be selected[~~7~~]; provided  
11 that the list of five interest arbitrators may  
12 contain interest arbitrators from both the  
13 American Arbitration Association and Federal  
14 Mediation and Conciliation Service, or their  
15 respective successors. Within five days after  
16 receipt of the list, the parties shall  
17 alternately strike names from the list until a  
18 single name is left, who shall be immediately  
19 appointed by the board as the neutral arbitrator  
20 and chairperson of the arbitration panel[~~7~~];



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



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

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



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

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

HLRB; Collective Bargaining; Resolution of Disputes; Impasse;  
Arbitrator Selection

**Description:**

Authorizes the Hawaii Labor Relations Board to request the Federal Mediation and Conciliation Service to furnish a list of five qualified and experienced interest arbitrators in the event the parties fail to select the neutral third member of the arbitration panel. Clarifies that the list of five interest arbitrators may contain arbitrators from both the American Arbitration Association and Federal Mediation and Conciliation Service. (CD1)

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

