

JAN 25 2012

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 subsection (a) 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
13 part-time employees working less than twenty hours a
14 week who are equal to one-half of a full-time
15 equivalent;
16 (6) Educational officers and other personnel of the
17 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; [and]

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

11 (14) Ocean safety officers and water safety officers
12 employed by the State or counties."

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

14 "(d) For the purpose of negotiating a collective
15 bargaining agreement, the public employer of an appropriate
16 bargaining unit shall mean the governor together with the
17 following employers:

18 (1) For bargaining units (1), (2), (3), (4), (9), (10),
19 and (13), the governor shall have six votes and the
20 mayors, the chief justice, and the Hawaii health
21 systems corporation board shall each have one vote if
22 they have employees in the particular bargaining unit;



1 (2) For bargaining units (11) [~~and~~], (12), and (14), the
2 governor shall have four votes and the mayors shall
3 each have one vote;

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

8 (4) For bargaining units (7) and (8), the governor shall
9 have three votes, the board of regents of the
10 University of Hawaii shall have two votes, and the
11 president of the University of Hawaii shall have one
12 vote.

13 Any decision to be reached by the applicable employer group
14 shall be on the basis of simple majority, except when a
15 bargaining unit includes county employees from more than one
16 county. In such case, the simple majority shall include at
17 least one county."

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

20 "(e) If an impasse exists between a public employer and
21 the exclusive representative of bargaining unit (2), supervisory
22 employees in blue collar positions; bargaining unit (3),



1 nonsupervisory employees in white collar positions; bargaining
2 unit (4), supervisory employees in white collar positions;
3 bargaining unit (6), educational officers and other personnel of
4 the department of education under the same salary schedule;
5 bargaining unit (8), personnel of the University of Hawaii and
6 the community college system, other than faculty; bargaining
7 unit (9), registered professional nurses; bargaining unit (10),
8 institutional, health, and correctional workers; bargaining unit
9 (11), firefighters; bargaining unit (12), police officers; [e~~x~~]
10 bargaining unit (13), professional and scientific employees [7];
11 or bargaining unit (14), ocean safety officers and water safety
12 officers employed by the State or counties, the board shall
13 assist in the resolution of the impasse as follows:

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

19 (2) Arbitration. If the impasse continues twenty days
20 after the date of impasse, the board shall immediately
21 notify the employer and the exclusive representative
22 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 arbitrators from which the neutral
17 arbitrator shall be selected. Within five days
18 after receipt of such list, the parties shall
19 alternately strike names from the list until a
20 single name is left, who shall be immediately
21 appointed by the board as the neutral arbitrator
22 and chairperson of the arbitration panel.



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 which 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 which each party is
9 proposing for inclusion in the final agreement.

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



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

17 SECTION 3. The employers and public sector unions shall
18 meet and consult to submit to the legislature, no later than
19 twenty days prior to the convening of the 2013 regular session,
20 a report identifying all those workers and corresponding classes
21 of work that would meet the definition of and be migrated over
22 to the newly created bargaining unit (14), ocean safety officers



1 and water safety officers employed by the State or counties,
 2 established under this Act. The report to the legislature shall
 3 include any and all statutory amendments required to formalize
 4 the creation, establishment, and migration of employees to the
 5 new bargaining unit without loss of accrued benefits, seniority,
 6 and wages.

7 SECTION 4. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval;
 10 provided that the newly established bargaining unit (14) shall
 11 take effect no later than July 1, 2013.

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INTRODUCED BY:

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S.B. NO. 2967

Report Title:

Collective Bargaining; Ocean Safety Officers; Water Safety Officers; State and County Employees

Description:

Creates a new bargaining unit (14) for ocean safety officers and water safety officers employed by the State or counties.

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