
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. The purpose of this Act is to allow graduate
2 student assistants employed by the University of Hawaii to
3 collectively bargain.

4 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 1. By amending subsection (a) to read:

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

- 10 (1) Nonsupervisory employees in blue collar positions;
- 11 (2) Supervisory employees in blue collar positions;
- 12 (3) Nonsupervisory employees in white collar positions;
- 13 (4) Supervisory employees in white collar positions;
- 14 (5) Teachers and other personnel of the department of
15 education under the same pay schedule, including part-
16 time employees working less than twenty hours a week
17 who are equal to one-half of a full-time equivalent;



- 1 (6) Educational officers and other personnel of the
- 2 department of education under the same pay schedule;
- 3 (7) Faculty of the University of Hawaii and the community
- 4 college system;
- 5 (8) Personnel of the University of Hawaii and the
- 6 community college system, other than faculty;
- 7 (9) Registered professional nurses;
- 8 (10) Institutional, health, and correctional workers;
- 9 (11) Firefighters;
- 10 (12) Police officers;
- 11 (13) Professional and scientific employees, who cannot be
- 12 included in any of the other bargaining units; [and]
- 13 (14) State law enforcement officers and state and county
- 14 ocean safety and water safety officers[-]; and
- 15 (15) Graduate student assistants employed by the University
- 16 of Hawaii."

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

18 "(d) For the purpose of negotiating a collective

19 bargaining agreement, the public employer of an appropriate

20 bargaining unit shall mean the governor together with the

21 following employers:



- 1 (1) For bargaining units (1), (2), (3), (4), (9), (10),
2 (13), and (14), the governor shall have six votes and
3 the mayors, the chief justice, and the Hawaii health
4 systems corporation board shall each have one vote if
5 they have employees in the particular bargaining unit;
- 6 (2) For bargaining units (11) and (12), the governor shall
7 have four votes and the mayors shall each have one
8 vote;
- 9 (3) For bargaining units (5) and (6), the governor shall
10 have three votes, the board of education shall have
11 two votes, and the superintendent of education shall
12 have one vote; and
- 13 (4) For bargaining units (7), [and] (8), and (15), the
14 governor shall have three votes, the board of regents
15 of the University of Hawaii shall have two votes, and
16 the president of the University of Hawaii shall have
17 one vote.

18 Any decision to be reached by the applicable employer group
19 shall be on the basis of simple majority, except when a
20 bargaining unit includes county employees from more than one



1 county. In that case, the simple majority shall include at
2 least one county."

3 3. By amending subsection (f) to read:

4 "(f) The following individuals shall not be included in
5 any appropriate bargaining unit or be entitled to coverage under
6 this chapter:

7 (1) Elected or appointed official;

8 (2) Member of any board or commission; provided that
9 nothing in this paragraph shall prohibit a member of a
10 collective bargaining unit from serving on a governing
11 board of a charter school, on the state public charter
12 school commission, or as a charter school authorizer
13 established under chapter 302D;

14 (3) Top-level managerial and administrative personnel,
15 including the department head, deputy or assistant to
16 a department head, administrative officer, director,
17 or chief of a state or county agency or major
18 division, and legal counsel;

19 (4) Secretary to top-level managerial and administrative
20 personnel under paragraph (3);



- 1 (5) Individual concerned with confidential matters
2 affecting employee-employer relations;
- 3 (6) Part-time employee working less than twenty hours per
4 week, except part-time employees included in unit (5);
- 5 (7) Temporary employee of three months' duration or less;
- 6 (8) Employee of the executive office of the governor or a
7 household employee at Washington Place;
- 8 (9) Employee of the executive office of the lieutenant
9 governor;
- 10 (10) Employee of the executive office of the mayor;
- 11 (11) Staff of the legislative branch of the State;
- 12 (12) Staff of the legislative branches of the counties,
13 except employees of the clerks' offices of the
14 counties;
- 15 (13) Any commissioned and enlisted personnel of the Hawaii
16 national guard;
- 17 (14) Inmate, kokua, patient, ward, or student of a state
18 institution;
- 19 (15) Student help[+], except a graduate student assistant
20 employed by the University of Hawaii;
- 21 (16) Staff of the Hawaii labor relations board;



1 (17) Employees of the Hawaii national guard youth challenge
2 academy; or

3 (18) Employees of the office of elections."

4 SECTION 3. (a) The director of human resources
5 development shall convene the prospective collective bargaining
6 unit working group.

7 (b) The director of human resources development shall
8 invite parties deemed appropriate by the director to participate
9 in the prospective collective bargaining unit working group.

10 (c) The working group shall:

11 (1) Collaborate with representatives of the graduate
12 student assistants of the University of Hawaii and
13 determine whether graduate student assistants should
14 become members of collective bargaining unit (8), or
15 collective bargaining unit (15) created pursuant to
16 section 2 of this Act;

17 (2) Determine specific collective bargaining rights and
18 privileges to be proposed for collective bargaining
19 unit (15);



1 (3) Consider appropriate salaries, wages, other
2 compensation, and working hour restrictions for
3 individuals in collective bargaining unit (15); and

4 (4) Consider whether individuals in collective bargaining
5 unit (15) should be provided with the right to binding
6 arbitration or to strike.

7 (d) No later than twenty days prior to the convening of
8 the regular session of 2016, the prospective collective
9 bargaining unit working group shall submit to the legislature a
10 report of its findings and recommendations, including any
11 proposed legislation. The legislature shall consider the
12 findings and recommendations of the prospective collective
13 bargaining unit working group and determine whether the State's
14 collective bargaining laws shall be amended.

15 (e) Members of the prospective collective bargaining unit
16 working group shall receive no compensation but shall be
17 reimbursed for expenses, including travel expenses, incurred in
18 the performance of their duties in the working group.

19 (f) The prospective collective bargaining unit working
20 group shall cease to exist on June 30, 2017.



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

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

6 SECTION 6. This Act shall take effect on July 1, 2050;
7 provided that section 2 shall take effect on December 31, 2016.

8



Report Title:

Collective Bargaining Units; UH Graduate Students

Description:

Establishes UH graduate student assistants as collective bargaining unit (15), effective 12/31/2016. Requires the director of human resources development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature prior to the 2016 regular session. Effective 7/1/2050. (SD1)

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