
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

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

1 SECTION 1. The legislature finds that under the present
2 law, employees of the Hawaii health systems corporation are
3 included in seven bargaining units that also include employees
4 of other public employers. While this arrangement is not unique
5 to the Hawaii health systems corporation, its status as the one
6 of the nation's largest public health care organizations
7 providing continuous acute and long-term health care services
8 makes the employees' work uniquely different from most other
9 government workers in the State. No other health care workers
10 in the State provide acute hospital care or residential long-
11 term care. The ability to negotiate collective bargaining
12 agreements that address the wages, hours, and working conditions
13 of health care employees would allow the Hawaii health systems
14 corporation to expeditiously respond to and address the unique
15 issues inherent in its continuous hospital operations, including
16 census, acuity, process improvement, and most importantly,
17 quality patient care.



1 The legislature believes that a more appropriate
2 categorization of the bargaining units requires that the
3 employees of the Hawaii health systems corporation be placed in
4 separate bargaining units that are counterparts to the existing
5 bargaining units.

6 The purpose of this Act is to establish seven separate
7 bargaining units for employees of the Hawaii health systems
8 corporation.

9 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
10 amended as follows:

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

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

- 15 (1) Nonsupervisory employees in blue collar positions;
- 16 (2) Supervisory employees in blue collar positions;
- 17 (3) Nonsupervisory employees in white collar positions;
- 18 (4) Supervisory employees in white collar positions;
- 19 (5) Teachers and other personnel of the department of
20 education under the same pay schedule, including part-



- 1 time employees working less than twenty hours a week
2 who are equal to one-half of a full-time equivalent;
- 3 (6) Educational officers and other personnel of the
4 department of education under the same pay schedule;
- 5 (7) Faculty of the University of Hawaii and the community
6 college system;
- 7 (8) Personnel of the University of Hawaii and the
8 community college system, other than faculty;
- 9 (9) Registered professional nurses;
- 10 (10) Institutional, health, and correctional workers;
- 11 (11) Firefighters;
- 12 (12) Police officers;
- 13 (13) Professional and scientific employees, who cannot be
14 included in any of the other bargaining units; [and]
- 15 (14) State law enforcement officers and state and county
16 ocean safety and water safety officers[-];
- 17 (15) Nonsupervisory employees in blue collar positions with
18 the Hawaii health systems corporation;
- 19 (16) Supervisory employees in blue collar positions with
20 the Hawaii health systems corporation;



1 (17) Nonsupervisory employees in white collar positions
2 with the Hawaii health systems corporation;

3 (18) Supervisory employees in white collar positions with
4 the Hawaii health systems corporation;

5 (19) Registered professional nurses with the Hawaii health
6 systems corporation;

7 (20) Institutional and health workers with the Hawaii
8 health systems corporation; and

9 (21) Professional and scientific employees with the Hawaii
10 health systems corporation, who cannot be included in
11 bargaining units (15), (16), (17), (18), (19), and
12 (20).

13 (b) Because of the nature of work involved and the
14 essentiality of certain occupations that require specialized
15 training [~~supervisory~~]:

16 (1) Supervisory employees who are eligible for inclusion
17 in units (9) through (14) shall be included in units
18 (9) through (14), respectively, instead of unit (2) or
19 (4) [-]; and

20 (2) Supervisory employees with the Hawaii health systems
21 corporation who are eligible for inclusion in



1 bargaining units (19) through (21) shall be included
 2 in bargaining units (19) through (21), respectively,
 3 instead of bargaining unit (16) or (18)."

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

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

9 (1) For bargaining units (1), (2), (3), (4), (9), (10),
 10 (13), and (14), the governor shall have [~~six~~] five
 11 votes and the mayors~~[7]~~ and the chief justice~~[7—and~~
 12 ~~the Hawaii health systems corporation board]~~ shall
 13 each have one vote if they have employees in the
 14 particular bargaining unit;

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

18 (3) For bargaining units (5) and (6), the governor shall
 19 have three votes, the board of education shall have
 20 two votes, and the superintendent of education shall
 21 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[-]; and

6 (5) For bargaining units (15), (16), (17), (18), (19),
 7 (20), and (21), the governor shall have one vote and
 8 the Hawaii health systems corporation shall have one
 9 vote.

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

15 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
 16 amended by amending subsection (e) to read as follows:

17 "(e) If an impasse exists between a public employer and
 18 the exclusive representative of bargaining unit (2), supervisory
 19 employees in blue collar positions; bargaining unit (3),
 20 nonsupervisory employees in white collar positions; bargaining
 21 unit (4), supervisory employees in white collar positions;



1 bargaining unit (6), educational officers and other personnel of
2 the department of education under the same salary schedule;
3 bargaining unit (8), personnel of the University of Hawaii and
4 the community college system, other than faculty; bargaining
5 unit (9), registered professional nurses; bargaining unit (10),
6 institutional, health, and correctional workers; bargaining unit
7 (11), firefighters; bargaining unit (12), police officers;
8 bargaining unit (13), professional and scientific employees;
9 ~~[e]~~ bargaining unit (14), state law enforcement officers and
10 state and county ocean safety and water safety officers~~[7]~~;
11 bargaining unit (15), nonsupervisory employees in blue collar
12 positions with the Hawaii health systems corporation; bargaining
13 unit (16), supervisory employees in blue collar positions with
14 the Hawaii health systems corporation; bargaining unit (17),
15 nonsupervisory employees in white collar positions with the
16 Hawaii health systems corporation; bargaining unit (18),
17 supervisory employees in white collar positions with the Hawaii
18 health systems corporation; bargaining unit (19), registered
19 professional nurses with the Hawaii health systems corporation;
20 bargaining unit (20), institutional and health workers with the
21 Hawaii health systems corporation; or bargaining unit (21),



1 professional and scientific employees with the Hawaii health
 2 systems corporation, the board shall assist in the resolution of
 3 the 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~~] If
2 the parties fail to select the neutral third
3 member of the arbitration panel within thirty
4 days from the date of impasse, the board shall
5 request the American Arbitration Association, or
6 its successor in function, to furnish a list of
7 five qualified arbitrators from which the neutral
8 arbitrator shall be selected. Within five days
9 after receipt of the list, the parties shall
10 alternately strike names from the list until a
11 single name is left, who shall be immediately
12 appointed by the board as the neutral arbitrator
13 and chairperson of the arbitration panel.

14 (B) Final positions. Upon the selection and
15 appointment of the arbitration panel, each party
16 shall submit to the panel, in writing, with copy
17 to the other party, a final position that shall
18 include all provisions in any existing collective
19 bargaining agreement not being modified, all
20 provisions already agreed to in negotiations, and
21 all further provisions [~~which~~] that each party is



1 proposing for inclusion in the final agreement;
2 provided that such further provisions shall be
3 limited to those specific proposals that were
4 submitted in writing to the other party and were
5 the subject of collective bargaining between the
6 parties up to the time of the impasse, including
7 those specific proposals that the parties have
8 decided to include through a written mutual
9 agreement. The arbitration panel shall decide
10 whether final positions are compliant with this
11 provision and which proposals may be considered
12 for inclusion in the final agreement.

13 (C) Arbitration hearing. Within one hundred twenty
14 days of its appointment, the arbitration panel
15 shall commence a hearing at which time the
16 parties may submit either in writing or through
17 oral testimony, all information or data
18 supporting their respective final positions. The
19 arbitrator, or the chairperson of the arbitration
20 panel together with the other two members, are
21 encouraged to assist the parties in a voluntary



1 resolution of the impasse through mediation, to
2 the extent practicable throughout the entire
3 arbitration period until the date the panel is
4 required to issue its arbitration decision.

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



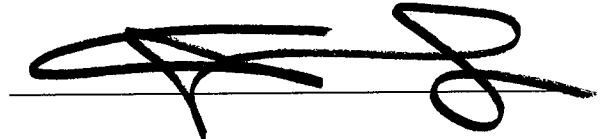
1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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, 2017, and
7 shall apply to collective bargaining agreements negotiated after
8 that date.

9

INTRODUCED BY:

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JAN 20 2017



H.B. NO. 467

Report Title:

Hawaii Health Systems Corporation; Collective Bargaining Units

Description:

Creates 7 separate collective bargaining units for employees of the Hawaii Health Systems Corporation.

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

