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

3 1. By amending subsections (a) and (b) 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 part-
13 time employees working less than twenty hours a week
14 who are equal to one-half of a full-time equivalent;
15 (6) Educational officers and other personnel of the
16 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;

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

11 (14) State law enforcement officers and state and county
12 ocean safety and water safety officers~~[-]~~; and

13 (15) Employees of the Hawaii health systems corporation.

14 (b) Because of the nature of work involved and the
15 essentiality of certain occupations that require specialized
16 training, supervisory employees who are eligible for inclusion
17 in units (9) through ~~[+14+]~~ (15) shall be included in units (9)
18 through ~~(+14+)~~ (15), respectively, instead of unit (2) or (4)."

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

20 "(d) For the purpose of negotiating a collective
21 bargaining agreement, the public employer of an appropriate



1 bargaining unit shall mean the governor together with the
2 following employers:

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

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

12 (3) For bargaining units (5) and (6), the governor shall
13 have three votes, the board of education shall have
14 two votes, and the superintendent of education shall
15 have one vote; [~~and~~]

16 (4) For bargaining units (7) and (8), the governor shall
17 have three votes, the board of regents of the
18 University of Hawaii shall have two votes, and the
19 president of the University of Hawaii shall have one
20 vote[~~-~~] and



1 (5) For bargaining unit (15), the governor shall have one
2 vote and the Hawaii health systems corporation board
3 shall have one vote.

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

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

11 "(e) If an impasse exists between a public employer and
12 the exclusive representative of bargaining unit (2), supervisory
13 employees in blue collar positions; bargaining unit (3),
14 nonsupervisory employees in white collar positions; bargaining
15 unit (4), supervisory employees in white collar positions;
16 bargaining unit (6), educational officers and other personnel of
17 the department of education under the same salary schedule;
18 bargaining unit (8), personnel of the University of Hawaii and
19 the community college system, other than faculty; bargaining
20 unit (9), registered professional nurses; bargaining unit (10),
21 institutional, health, and correctional workers; bargaining unit



1 (11), firefighters; bargaining unit (12), police officers;
2 bargaining unit (13), professional and scientific employees;
3 [~~o~~] bargaining unit (14), state law enforcement officers and
4 state and county ocean safety and water safety officers[~~r~~];
5 bargaining unit (15), employees with the Hawaii health systems
6 corporation, the board shall assist in the resolution of the
7 impasse as follows:

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

13 (2) Arbitration. If the impasse continues twenty days
14 after the date of impasse, the board shall immediately
15 notify the employer and the exclusive representative
16 that the impasse shall be submitted to a three-member
17 arbitration panel who shall follow the arbitration
18 procedure provided herein.

19 (A) Arbitration panel. Two members of the
20 arbitration panel shall be selected by the
21 parties; one shall be selected by the employer



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

18 (B) Final positions. Upon the selection and
19 appointment of the arbitration panel, each party
20 shall submit to the panel, in writing, with copy
21 to the other party, a final position that shall



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

17 (C) Arbitration hearing. Within one hundred twenty
18 days of its appointment, the arbitration panel
19 shall commence a hearing at which time the
20 parties may submit either in writing or through
21 oral testimony, all information or data



1 supporting their respective final positions. The
2 arbitrator, or the chairperson of the arbitration
3 panel together with the other two members, are
4 encouraged to assist the parties in a voluntary
5 resolution of the impasse through mediation, to
6 the extent practicable throughout the entire
7 arbitration period until the date the panel is
8 required to issue its arbitration decision.

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



1 transmittal of the preliminary draft, a majority
2 of the arbitration panel shall issue the
3 arbitration decision."

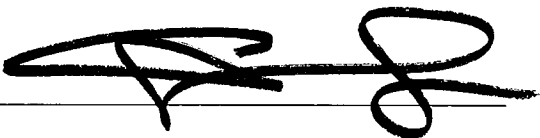
4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

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

9 SECTION 5. This Act shall take effect on July 1, 2017, and
10 shall apply to collective bargaining agreements negotiated after
11 that date.

12

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'A. J.', written over a horizontal line.

JAN 20 2017



H.B. NO. 468

Report Title:

Hawaii Health Systems Corporation; Collective Bargaining Units

Description:

Establishes collective bargaining unit (15) for employees with 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.

