
A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

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

- 1 SECTION 1. Section 89-5, Hawaii Revised Statutes, is
2 amended by amending subsection (i) to read as follows:
- 3 "(i) In addition to the powers and functions provided in
4 other sections of this chapter, the board shall:
- 5 (1) Establish procedures for, investigate, and resolve[7]
6 any dispute concerning the designation of an
7 appropriate bargaining unit and the application of
8 section 89-6 to specific employees and positions;
- 9 (2) Establish procedures for, resolve disputes with
10 respect to, and supervise the conduct of[7] elections
11 for the determination of employee representation;
- 12 (3) Resolve controversies under this chapter;
- 13 (4) Conduct proceedings on complaints of prohibited
14 practices by employers, employees, and employee
15 organizations and take such actions with respect
16 thereto as it deems necessary and proper;
- 17 (5) Hold such hearings and make such inquiries, as it
18 deems necessary, to carry out properly its functions



1 and powers, and for the purpose of such hearings and
2 inquiries, administer oaths and affirmations, examine
3 witnesses and documents, take testimony and receive
4 evidence, compel attendance of witnesses and the
5 production of documents by the issuance of subpoenas,
6 and delegate such powers to any member of the board or
7 any person appointed by the board for the performance
8 of its functions;

9 (6) Determine qualifications and establish, after
10 reviewing nominations submitted by the public
11 employers and employee organizations, lists of
12 qualified persons, broadly representative of the
13 public, to be available to serve as mediators ~~[or]~~,
14 grievance arbitrators ~~[+]~~, or a combination thereof;

15 (7) Resolve disputes over the qualifications and criteria
16 of the list of five qualified arbitrators provided
17 pursuant to section 89-11(e) (2) (A);

18 ~~[(7)]~~ (8) Establish a fair and reasonable range of daily or
19 hourly rates at which mediators and arbitrators on the
20 lists established under paragraph (6) are to be
21 compensated;



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

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

20 (2) Arbitration. If the impasse continues twenty days
21 after the date of impasse, the board shall immediately



1 notify the employer and the exclusive representative
2 that the impasse shall be submitted to a three-member
3 arbitration panel who shall follow the arbitration
4 procedure provided herein.

5 (A) Arbitration panel. Two members of the
6 arbitration panel shall be selected by the
7 parties; one shall be selected by the employer
8 and one shall be selected by the exclusive
9 representative. The neutral third member of the
10 arbitration panel, who shall chair the
11 arbitration panel, shall be selected by mutual
12 agreement of the parties. In the event that the
13 parties fail to select the neutral third member
14 of the arbitration panel within thirty days from
15 the date of impasse, the board shall request the
16 American Arbitration Association, or its
17 successor in function, to furnish a list of five
18 qualified and experienced interest arbitrators
19 from which the neutral arbitrator shall be
20 selected. Within five days after receipt of the
21 list, the parties shall alternately strike names



1 from the list until a single name is left, who
2 shall be immediately appointed by the board as
3 the neutral arbitrator and chairperson of the
4 arbitration panel.

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



1 whether final positions are compliant with this
2 provision and which proposals may be considered
3 for inclusion in the final agreement.

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

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

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

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Hawaii Labor Relations Board; Arbitrators; Arbitration;
Collective Bargaining; Impasse

Description:

Requires the Hawaii Labor Relations Board to determine qualifications for grievance arbitrators. Requires the Hawaii Labor Relations Board to resolve the disputes over the qualifications and criteria for potential arbitrators selected under certain circumstances to resolve collective bargaining impasses. (CD1)

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