A BILL FOR AN ACT

RELATING TO THE HAWAII LABOR RELATIONS BOARD.

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

SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) In addition to the powers and functions provided in other sections of this chapter, the board shall:

(1) Establish procedures for, investigate, and resolve any dispute concerning the designation of an appropriate bargaining unit and the application of section 89-6 to specific employees and positions;

(2) Establish procedures for, resolve disputes with respect to, and supervise the conduct of elections for the determination of employee representation;

(3) Resolve controversies under this chapter;

(4) Conduct proceedings on complaints of prohibited practices by employers, employees, and employee organizations and take such actions with respect thereto as it deems necessary and proper;

(5) Hold such hearings and make such inquiries, as it deems necessary, to carry out properly its functions.
and powers, and for the purpose of such hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate such powers to any member of the board or any person appointed by the board for the performance of its functions;

(6) Determine qualifications and establish, after reviewing nominations submitted by the public employers and employee organizations, lists of qualified persons, broadly representative of the public, to be available to serve as mediators, grievance arbitrators, or a combination thereof;

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

(8) Establish a fair and reasonable range of daily or hourly rates at which mediators and arbitrators on the lists established under paragraph (6) are to be compensated;
(9) Conduct studies on problems pertaining to public employee-management relations, and make recommendations with respect thereto to the legislative bodies; request information and data from state and county departments and agencies and employee organizations necessary to carry out its functions and responsibilities; make available to all concerned parties, including mediators and arbitrators, statistical data relating to wages, benefits, and employment practices in public and private employment to assist them in resolving issues in negotiations;

(10) Adopt rules relative to the exercise of its powers and authority and to govern the proceedings before it in accordance with chapter 91; and

(11) Execute all of its responsibilities in a timely manner so as to facilitate and expedite the resolution of issues before it."

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

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

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

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

(A) Arbitration panel. Two members of the arbitration panel shall be selected by the parties; one shall be selected by the employer and one shall be selected by the exclusive representative. The neutral third member of the arbitration panel, who shall chair the arbitration panel, shall be selected by mutual agreement of the parties. In the event that the parties fail to select the neutral third member of the arbitration panel within thirty days from the date of impasse, the board shall request the American Arbitration Association, or its successor in function, to furnish a list of five qualified and experienced interest arbitrators from which the neutral arbitrator shall be selected. Within five days after receipt of the list, the parties shall alternately strike names
from the list until a single name is left, who
shall be immediately appointed by the board as
the neutral arbitrator and chairperson of the
arbitration panel.

(B) Final positions. Upon the selection and
appointment of the arbitration panel, each party
shall submit to the panel, in writing, with copy
to the other party, a final position that shall
include all provisions in any existing collective
bargaining agreement not being modified, all
provisions already agreed to in negotiations, and
all further provisions [which] that each party is
proposing for inclusion in the final agreement;
provided that such further provisions shall be
limited to those specific proposals that were
submitted in writing to the other party and were
the subject of collective bargaining between the
parties up to the time of the impasse, including
those specific proposals that the parties have
decided to include through a written mutual
agreement. The arbitration panel shall decide
whether final positions are compliant with this provision and which proposals may be considered for inclusion in the final agreement.

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

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

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

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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