
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 assistants employed by the University of Hawaii to collectively
3 bargain.

4 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
5 amended 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;



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- 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;
13 (14) State law enforcement officers; [~~and~~]
14 (15) State and county ocean safety and water safety
15 officers[~~-~~]; and
16 (16) Graduate assistants employed by the University of
17 Hawaii."

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

19 "(d) For the purpose of negotiating a collective
20 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), (14), and (15), the governor shall have six
5 votes and the mayors, the chief justice, and the
6 Hawaii health systems corporation board shall each
7 have one vote if they have employees in the particular
8 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), and (16), the
17 governor shall have three votes, the board of regents
18 of the University of Hawaii shall have two votes, and
19 the president of the University of Hawaii shall have
20 one vote.



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

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

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

10 (1) Elected or appointed official;

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

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



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



- 1 (15) Student help;
- 2 (16) Staff of the Hawaii labor relations board;
- 3 (17) Employees of the Hawaii national guard youth challenge
- 4 academy; or
- 5 (18) Employees of the office of elections."

6 SECTION 3. Section 89-11, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) If an impasse exists between a public employer and
9 the exclusive bargaining representative of bargaining unit (1),
10 nonsupervisory employees in blue collar positions; bargaining
11 unit (5), teachers and other personnel of the department of
12 education; ~~[6]~~ bargaining unit (7), faculty of the University
13 of Hawaii and the community college system~~[7]~~; bargaining
14 unit (16), graduate assistants employed by the University of
15 Hawaii, the board shall assist in the resolution of the impasse
16 as follows:

- 17 (1) Voluntary mediation. During the first twenty days of
18 the date of impasse, either party may request the
19 board to assist in a voluntary resolution of the
20 impasse by appointing a mediator or mediators,



1 representative of the public from a list of qualified
2 persons maintained by the board;

3 (2) Mediation. If the impasse continues more than twenty
4 days, the board shall appoint a mediator or
5 [~~mediators~~] mediator's representative of the public
6 from a list of qualified persons maintained by the
7 board, to assist the parties in a voluntary resolution
8 of the impasse. The board may compel the parties to
9 attend mediation, reasonable in time and frequency,
10 until the fiftieth day of impasse. Thereafter,
11 mediation shall be elective with the parties, subject
12 to the approval of the board;

13 (3) Report of the board. The board shall promptly report
14 to the appropriate legislative body or bodies the
15 following circumstances as each occurs:

16 (A) The date of a tentative agreement and whether the
17 terms thereof are confidential between the
18 parties;

19 (B) The ratification or failure of ratification of a
20 tentative agreement;

21 (C) The signing of a tentative agreement;



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- 1 (D) The terms of a tentative agreement; or
- 2 (E) On or about the fiftieth day of impasse, the
- 3 failure of mediation.
- 4 The parties shall provide the board with the requisite
- 5 information; and
- 6 (4) After the fiftieth day of impasse, the parties may
- 7 resort to [~~such~~] other remedies that are not
- 8 prohibited by any agreement pending between them,
- 9 other provisions of this chapter, or any other law."

10 SECTION 4. This Act does not affect rights and duties that
 11 matured, penalties that were incurred, and proceedings that were
 12 begun before its effective date.

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

15 SECTION 6. This Act shall take effect upon its approval.

16

INTRODUCED BY: Amy Lemus
 JAN 18 2022

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Report Title:

Collective Bargaining; Graduate Assistants; University of Hawaii

Description:

Establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii.

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