

JAN 25 2023

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

13 part-time employees working less than twenty hours a

14 week who are equal to one-half of a full-time

15 equivalent;

16 (6) Educational officers and other personnel of the

17 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 excluding adult corrections officers of the department
8 of public safety's corrections division or a successor
9 agency to which the officers and duties have been
10 transferred;
- 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;
- 15 (14) State law enforcement officers; [~~and~~]
- 16 (15) State and county ocean safety and water safety
- 17 officers[-]; and
- 18 (16) Adult corrections officers of the department of public
19 safety's corrections division or a successor agency to
20 which the officers and duties have been transferred.



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

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

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

11 (1) For bargaining units (1), (2), (3), (4), (9), (10),
12 (13), (14), [~~and~~] (15), and (16), the governor shall
13 have six votes and the mayors, the chief justice, and
14 the Hawaii health systems corporation board shall each
15 have one vote if they have employees in the particular
16 bargaining unit;

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

20 (3) For bargaining units (5) and (6), the governor shall
21 have three votes, the board of education shall have



1 two votes, and the superintendent of education shall
2 have one vote; and

3 (4) For bargaining units (7) and (8), the governor shall
4 have three votes, the board of regents of the
5 University of Hawaii shall have two votes, and the
6 president of the University of Hawaii shall have one
7 vote.

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

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

15 "(e) If an impasse exists between a public employer and
16 the exclusive representative of bargaining unit (2), supervisory
17 employees in blue collar positions; bargaining unit (3),
18 nonsupervisory employees in white collar positions; bargaining
19 unit (4), supervisory employees in white collar positions;
20 bargaining unit (6), educational officers and other personnel of
21 the department of education under the same salary schedule;



1 bargaining unit (8), personnel of the University of Hawaii and
2 the community college system, other than faculty; bargaining
3 unit (9), registered professional nurses; bargaining unit (10),
4 institutional, health, and correctional workers[7], excluding
5 adult corrections officers of the department of public safety's
6 corrections division or a successor agency to which the officers
7 and duties have been transferred; bargaining unit (11),
8 firefighters; bargaining unit (12), police officers; bargaining
9 unit (13), professional and scientific employees; bargaining
10 unit (14), state law enforcement officers; [~~0~~] bargaining unit
11 (15), state and county ocean safety and water safety
12 officers[7]; or bargaining unit (16), adult corrections officers
13 of the department of public safety's corrections division or a
14 successor agency to which the officers and duties have been
15 transferred, the board shall assist in the resolution of the
16 impasse as follows:

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



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

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



1 selected. Within five days after receipt of the
2 list, the parties shall alternately strike names
3 from the list until a single name is left, who
4 shall be immediately appointed by the board as
5 the neutral arbitrator and chairperson of the
6 arbitration panel.

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



1 decided to include through a written mutual
2 agreement. The arbitration panel shall decide
3 whether final positions are compliant with this
4 provision and which proposals may be considered
5 for inclusion in the final agreement.

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

19 (D) Arbitration decision. Within thirty days after
20 the conclusion of the hearing, a majority of the
21 arbitration panel shall reach a decision pursuant

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

14 SECTION 3. The rights, benefits, and privileges currently
15 enjoyed by adult corrections officers of the department of
16 public safety's correction division or a successor agency to
17 which the officers and duties have been transferred, including
18 those rights, benefits, and privileges under chapters 76, 78,
19 87A, and 88, Hawaii Revised Statutes, shall not be impaired or
20 diminished as a result of these employees being transitioned to
21 the newly created bargaining unit (16). The transition to the



1 new bargaining unit (16) shall not result in any break in
2 service for the affected employees. The rights, benefits, and
3 privileges currently enjoyed by state adult corrections officers
4 shall be maintained under their existing collective bargaining
5 agreement and any successor agreement until a collective
6 bargaining agreement is negotiated for the new bargaining unit
7 (16).

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

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:

Kurt Fuelle



S.B. NO. 1614

Report Title:

Collective Bargaining; Institutional, Health, and Correctional Workers; Adult Corrections Officers; PSD; Corrections Division; DCR

Description:

Retains institutional, health, and correctional workers except for adult corrections officers of the Department of Public Safety's Corrections Division or its successor agency of the Department of Corrections and Rehabilitation under bargaining unit (10). Creates a separate bargaining unit (16) for adult corrections officers of the Department of Public Safety's Corrections Division or its successor agency.

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

