

JAN 20 2023

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 and community
3 college system to collectively 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;



- 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 and community college system."

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; [~~e~~] bargaining unit (7), faculty of the University
13 of Hawaii and the community college system[~~7~~]; or bargaining
14 unit (16), graduate assistants employed by the University of
15 Hawaii and community college system, the board shall assist in
16 the resolution of the impasse 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 mediators,
5 representative of the public from a list of qualified
6 persons maintained by the board, to assist the parties
7 in a voluntary resolution of the impasse. The board
8 may compel the parties to attend mediation, reasonable
9 in time and frequency, until the fiftieth day of
10 impasse. Thereafter, mediation shall be elective with
11 the parties, subject to the approval of the board;

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

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

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

20 (C) The signing of a tentative agreement;

21 (D) The terms of a tentative agreement; or



1 (E) On or about the fiftieth day of impasse, the
2 failure of mediation.

3 The parties shall provide the board with the requisite
4 information; and

5 (4) After the fiftieth day of impasse, the parties may
6 resort to [~~such~~] other remedies that are not
7 prohibited by any agreement pending between them,
8 other provisions of this chapter, or any other law."

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY:

Annunzio G. De



S.B. NO. 394

Report Title:

Collective Bargaining; Graduate Assistants; University of Hawaii; Community College System

Description:

Establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii and community college system.

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

