

JAN 16 2014

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-11, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
3 "(e) If an impasse exists between a public employer and
4 the exclusive representative of bargaining unit (2), supervisory
5 employees in blue collar positions; bargaining unit (3),
6 nonsupervisory employees in white collar positions; bargaining
7 unit (4), supervisory employees in white collar positions;
8 bargaining unit (6), educational officers and other personnel of
9 the department of education under the same salary schedule;
10 bargaining unit (8), personnel of the University of Hawaii and
11 the community college system, other than faculty; bargaining
12 unit (9), registered professional nurses; bargaining unit (10),
13 institutional, health, and correctional workers; bargaining unit
14 (11), firefighters; bargaining unit (12), police officers;
15 bargaining unit (13), professional and scientific employees; or
16 bargaining unit (14), state law enforcement officers and state
17 and county ocean safety and water safety officers, the board
18 shall assist in the resolution of the impasse as follows:



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

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

12 (A) Arbitration panel. Two members of the
13 arbitration panel shall be selected by the
14 parties; one shall be selected by the employer
15 and one shall be selected by the exclusive
16 representative. The neutral third member of the
17 arbitration panel, who shall chair the
18 arbitration panel, shall be selected by mutual
19 agreement of the parties. In the event that the
20 parties fail to select the neutral third member
21 of the arbitration panel within thirty days from
22 the date of impasse, the board shall request the



1 American Arbitration Association, or its
2 successor in function, to furnish a list of five
3 qualified arbitrators from which the neutral
4 arbitrator shall be selected. Within five days
5 after receipt of the list, the parties shall
6 alternately strike names from the list until a
7 single name is left, who shall be immediately
8 appointed by the board as the neutral arbitrator
9 and chairperson of the arbitration panel.

10 (B) Final positions. Upon the selection and
11 appointment of the arbitration panel, each party
12 shall submit to the panel, in writing, with copy
13 to the other party, a final position [~~which~~] that
14 shall include all provisions in any existing
15 collective bargaining agreement not being
16 modified, all provisions already agreed to in
17 negotiations, and all further provisions which
18 each party is proposing for inclusion in the
19 final agreement. Absent agreement by the
20 parties, lack of objection, or good cause, the
21 parties are prohibited from including in their
22 final positions any proposals that were not



1 previously submitted in writing before impasse
2 and about which an impasse in bargaining has not
3 been reached. The arbitration panel shall decide
4 whether final positions comply with this
5 subparagraph and which proposals may be
6 considered for inclusion in the final agreement.

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

20 (D) Arbitration decision. Within thirty days after
21 the conclusion of the hearing, a majority of the
22 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 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY: 

S.B. NO. 2259

Report Title:

Collective Bargaining; Impasse; Arbitration; Final Positions

Description:

Prohibits parties in arbitration from including in their final positions any proposals that were not previously submitted in writing before impasse and about which an impasse in collective bargaining has not been reached. Authorizes the arbitration panel to decide whether final positions comply with all requirements and which proposals may be considered for inclusion in the final agreement.

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

