
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT.

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

1 SECTION 1. The legislature finds that under current law,
2 employees of the Hawaii health systems corporation are included
3 in seven bargaining units that also include employees of other
4 public employers. While this arrangement is not unique to the
5 Hawaii health systems corporation, its status as one of the
6 nation's largest public health care organizations providing
7 acute and long term health care services makes its work uniquely
8 different from most other government agencies in the State.
9 Other health care workers are employed by the State; however,
10 none of them provide acute hospital care or residential long
11 term care. The ability to negotiate collective bargaining
12 agreements that address the wages, hours, and working conditions
13 of health care employees would allow the Hawaii health systems
14 corporation to expeditiously respond to and address the unique
15 issues inherent in its hospital operations, including census,
16 acuity, process improvement, and most importantly, quality
17 patient care.



1 The legislature further finds that a more appropriate
2 categorization of the bargaining units requires that the
3 employees of the Hawaii health systems corporation be separated
4 from other employees of different public employers and be placed
5 in separate bargaining units that are counterparts to the
6 existing ones.

7 The purpose of this Act is to establish seven separate
8 bargaining units for employees of the Hawaii health systems
9 corporation.

10 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsections (a) and (b) to read:

13 "(a) All employees throughout the State within any of the
14 following categories shall constitute an appropriate bargaining
15 unit:

- 16 (1) Nonsupervisory employees in blue collar positions;
17 (2) Supervisory employees in blue collar positions;
18 (3) Nonsupervisory employees in white collar positions;
19 (4) Supervisory employees in white collar positions;
20 (5) Teachers and other personnel of the department of
21 education under the same pay schedule, including part-



- 1 time employees working less than twenty hours a week
2 who are equal to one-half of a full-time equivalent;
- 3 (6) Educational officers and other personnel of the
4 department of education under the same pay schedule;
- 5 (7) Faculty of the University of Hawaii and the community
6 college system;
- 7 (8) Personnel of the University of Hawaii and the
8 community college system, other than faculty;
- 9 (9) Registered professional nurses;
- 10 (10) Institutional, health, and correctional workers;
- 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[~~,- and~~]
15 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10),
16 (11), and (12);
- 17 (14) State law enforcement officers and state and county
18 ocean safety and water safety officers[~~-~~];
- 19 (15) Nonsupervisory employees in blue collar positions with
20 the Hawaii health systems corporation;



1 (16) Supervisory employees in blue collar positions with
2 the Hawaii health systems corporation;

3 (17) Nonsupervisory employees in white collar positions
4 with the Hawaii health systems corporation;

5 (18) Supervisory employees in white collar positions with
6 the Hawaii health systems corporation;

7 (19) Registered professional nurses with the Hawaii health
8 systems corporation;

9 (20) Institutional and health workers with the Hawaii
10 health systems corporation; and

11 (21) Professional and scientific employees with the Hawaii
12 health systems corporation, who cannot be included in
13 bargaining units (15), (16), (17), (18), (19), and
14 (20).

15 (b) Because of the nature of work involved and the
16 essentiality of certain occupations that require specialized
17 training, supervisory employees who are eligible for inclusion
18 in units (9) through (14) shall be included in units (9) through
19 (14), respectively, instead of unit (2) or (4). Supervisory
20 employees with the Hawaii health systems corporation who are
21 eligible for inclusion in bargaining units (19) through (21)



1 shall be included in bargaining units (19) through (21),
2 respectively, instead of bargaining unit (16) or (18)."

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

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

8 (1) For bargaining units (1), (2), (3), (4), (9), (10),
9 (13), and (14), the governor shall have six votes and
10 the mayors[~~7~~] and the chief justice[~~, and the Hawaii~~
11 ~~health systems corporation board~~] shall each have one
12 vote if they have employees in the particular
13 bargaining unit;

14 (2) For bargaining units (11) and (12), the governor shall
15 have four votes and the mayors shall each have one
16 vote;

17 (3) For bargaining units (5) and (6), the governor shall
18 have three votes, the board of education shall have
19 two votes, and the superintendent of education shall
20 have one vote; [~~and~~]



(4) For bargaining units (7) and (8), the governor shall have three votes, the board of regents of the University of Hawaii shall have two votes, and the president of the University of Hawaii shall have one vote[-] and

(5) For bargaining units (15), (16), (17), (18), (19), (20), and (21), the Hawaii health systems corporation board shall have one vote.

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

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



1 the department of education under the same salary schedule;
2 bargaining unit (8), personnel of the University of Hawaii and
3 the community college system, other than faculty; bargaining
4 unit (9), registered professional nurses; bargaining unit (10),
5 institutional, health, and correctional workers; bargaining unit
6 (11), firefighters; bargaining unit (12), police officers;
7 bargaining unit (13), professional and scientific employees;
8 [œ] bargaining unit (14), state law enforcement officers and
9 state and county ocean safety and water safety officers[7];
10 bargaining unit (15) nonsupervisory employees in blue collar
11 positions with the Hawaii health systems corporation; bargaining
12 unit (16), supervisory employees in blue collar positions with
13 the Hawaii health systems corporation; bargaining unit (17),
14 nonsupervisory employees in white collar positions with the
15 Hawaii health systems corporation; bargaining unit (18),
16 supervisory employees in white collar positions with the Hawaii
17 health systems corporation; bargaining unit (19), registered
18 professional nurses with the Hawaii health systems corporation;
19 bargaining unit (20), institutional and health workers with the
20 Hawaii health systems corporation; or bargaining unit (21),
21 professional and scientific employees with the Hawaii health



1 systems corporation, the board shall assist in the resolution of
2 the impasse as follows:

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

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

14 (A) Arbitration panel. Two members of the
15 arbitration panel shall be selected by the
16 parties; one shall be selected by the employer
17 and one shall be selected by the exclusive
18 representative. The neutral third member of the
19 arbitration panel, who shall chair the
20 arbitration panel, shall be selected by mutual
21 agreement of the parties. ~~[In the event that]~~ If



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

13 (B) Final positions. Upon the selection and
14 appointment of the arbitration panel, each party
15 shall submit to the panel, in writing, with copy
16 to the other party, a final position that shall
17 include all provisions in any existing collective
18 bargaining agreement not being modified, all
19 provisions already agreed to in negotiations, and
20 all further provisions ~~[which]~~ that each party is
21 proposing for inclusion in the final agreement;



1 provided that such further provisions shall be
2 limited to those specific proposals that were
3 submitted in writing to the other party and were
4 the subject of collective bargaining between the
5 parties up to the time of the impasse, including
6 those specific proposals that the parties have
7 decided to include through a written mutual
8 agreement. The arbitration panel shall decide
9 whether final positions are compliant with this
10 provision and which proposals may be considered
11 for inclusion in the final agreement.

12 (C) Arbitration hearing. Within one hundred twenty
13 days of its appointment, the arbitration panel
14 shall commence a hearing at which time the
15 parties may submit either in writing or through
16 oral testimony, all information or data
17 supporting their respective final positions. The
18 arbitrator, or the chairperson of the arbitration
19 panel together with the other two members, are
20 encouraged to assist the parties in a voluntary
21 resolution of the impasse through mediation, to



1 the extent practicable throughout the entire
2 arbitration period until the date the panel is
3 required to issue its arbitration decision.

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



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect on July 1, 2015, and
7 apply to collective bargaining agreements negotiated after that
8 date.

9

INTRODUCED BY:

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JAN 28 2015



H.B. NO. 1146

Report Title:

Hawaii Health Systems Corporation; Collective Bargaining Units

Description:

Creates seven separate collective bargaining units for employees of the Hawaii Health Systems Corporation.

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

