

JAN 25 2017

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# 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), or (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), or  
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~~[7, 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]~~



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

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

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

15           SECTION 3. Section 89-11, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17           "(e) If an impasse exists between a public employer and  
18 the exclusive representative of bargaining unit (2), supervisory  
19 employees in blue collar positions; bargaining unit (3),  
20 nonsupervisory employees in white collar positions; bargaining  
21 unit (4), supervisory employees in white collar positions;



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



1 professional and scientific employees with the Hawaii health  
2 systems corporation, the board shall assist in the resolution of  
3 the impasse as follows:

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

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

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



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

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



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

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



1 resolution of the impasse through mediation, to  
2 the extent practicable throughout the entire  
3 arbitration period until the date the panel is  
4 required to issue its arbitration decision.

5 (D) Arbitration decision. Within thirty days after  
6 the conclusion of the hearing, a majority of the  
7 arbitration panel shall reach a decision pursuant  
8 to subsection (f) on all provisions that each  
9 party proposed in its respective final position  
10 for inclusion in the final agreement and transmit  
11 a preliminary draft of its decision to the  
12 parties. The parties shall review the  
13 preliminary draft for completeness, technical  
14 correctness, and clarity and may mutually submit  
15 to the panel any desired changes or adjustments  
16 that shall be incorporated in the final draft of  
17 its decision. Within fifteen days after the  
18 transmittal of the preliminary draft, a majority  
19 of the arbitration panel shall issue the  
20 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, 2017, and  
7 apply to collective bargaining agreements negotiated after that  
8 date.

9

INTRODUCED BY: *Russell H. Bell*



# S.B. NO. 1172

**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.*

