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# A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

**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 subsection (a) 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, excluding teachers and other personnel  
13           employed by a charter school of the department of  
14           education, under the same pay schedule, including  
15           part-time employees working less than twenty hours a  
16           week who are equal to one-half of a full-time  
17           equivalent;



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- 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; [~~and~~]
- 13          (14) State law enforcement officers and state and county
- 14          ocean safety and water safety officers[-]; and
- 15          (15) Teachers and other personnel employed by a charter
- 16          school of the department of education under the same
- 17          pay schedule, including part-time employees working
- 18          less than twenty hours a week who are equal to one-
- 19          half of a full-time equivalent."
- 20          2. By amending subsection (d) to read:



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

- 5           (1) For bargaining units (1), (2), (3), (4), (9), (10),  
6           (13), and (14), the governor shall have six votes and  
7           the mayors, the chief justice, and the Hawaii health  
8           systems corporation board shall each have one vote if  
9           they have employees in the particular bargaining unit;
- 10          (2) For bargaining units (11) and (12), the governor shall  
11          have four votes and the mayors shall each have one  
12          vote;
- 13          (3) For bargaining units (5) [~~and~~], (6), and (15), the  
14          governor shall have three votes, the board of  
15          education shall have two votes, and the superintendent  
16          of education shall have one vote; and
- 17          (4) For bargaining units (7) and (8), the governor shall  
18          have three votes, the board of regents of the  
19          University of Hawaii shall have two votes, and the  
20          president of the University of Hawaii shall have one  
21          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;



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- 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 5,~~
- 7                    units (5) and (15);
- 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 2. 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]~~; bargaining  
14 unit (15), teachers and other personnel employed by a charter  
15 school of the department of education, 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 prohibited  
7 by any agreement pending between them, other  
8 provisions of this chapter, or any other law."

9 SECTION 3. The rights, benefits, and privileges currently  
10 enjoyed by teachers and other personal employed by a charter  
11 school of the department of education, including those rights,  
12 benefits, and privileges under chapters 76, 78, 87A, and 88,  
13 Hawaii Revised Statutes, shall not be impaired or diminished as  
14 a result of these employees being transitioned to the newly  
15 created bargaining unit (15). The transition to the new  
16 bargaining unit (15) shall not result in any break in service  
17 for the affected employees. The rights, benefits, and  
18 privileges currently enjoyed by teachers and other personal  
19 employed by a charter school of the department of education  
20 shall be maintained under their existing collective bargaining  
21 agreement and any successor agreement until a collective



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1 bargaining agreement is negotiated for the new bargaining unit  
2 (15).

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

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

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

9

INTRODUCED BY:

Jakobi Bm

T Stabi

JAN 20 2017



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**Report Title:**

Collective Bargaining; Charter Schools; Bargaining Unit (15)

**Description:**

Creates a new bargaining unit (15) for teachers and other personnel employed by a charter school of the Department of Education.

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

