

JAN 21 2022

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. Section 89-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 1. By amending subsections (a) and (b) 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 under the same pay schedule, including part-
13 time employees working less than twenty hours a week

14 who are equal to one-half of a full-time equivalent;

15 (6) Educational officers and other personnel of the

16 department of education under the same pay schedule;



- 1 (7) Faculty of the University of Hawaii and the community
2 college system;
- 3 (8) Personnel of the University of Hawaii and the
4 community college system, other than faculty;
- 5 (9) Registered professional nurses;
- 6 (10) Institutional, health, and correctional workers[+],
7 excluding adult corrections officers of the department
8 of public safety's corrections division;
- 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) Adult corrections officers of the department of public
17 safety's corrections division.
- 18 (b) Because of the nature of work involved and the
19 essentiality of certain occupations that require specialized
20 training, supervisory employees who are eligible for inclusion



1 in units (9) through [~~(15)~~] (16) shall be included in units (9)
2 through [~~(15)~~] (16), respectively, instead of unit (2) or (4)."

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), (14), [~~and~~] (15), and (16), the governor shall
10 have six votes and the mayors, the chief justice, and
11 the Hawaii health systems corporation board shall each
12 have one 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.

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

11 SECTION 2. Section 89-11, Hawaii Revised Statutes, is
12 amended by amending subsection (e) to read as follows:

13 "(e) If an impasse exists between a public employer and
14 the exclusive representative of bargaining unit (2), supervisory
15 employees in blue collar positions; bargaining unit (3),
16 nonsupervisory employees in white collar positions; bargaining
17 unit (4), supervisory employees in white collar positions;
18 bargaining unit (6), educational officers and other personnel of
19 the department of education under the same salary schedule;
20 bargaining unit (8), personnel of the University of Hawaii and
21 the community college system, other than faculty; bargaining



1 unit (9), registered professional nurses; bargaining unit (10),
2 institutional, health, and correctional workers[7], excluding
3 adult corrections officers of the department of public safety's
4 corrections division; bargaining unit (11), firefighters;
5 bargaining unit (12), police officers; bargaining unit (13),
6 professional and scientific employees; bargaining unit (14),
7 state law enforcement officers; [ex] bargaining unit (15), state
8 and county ocean safety and water safety officers[7]; or
9 bargaining unit (16), adult corrections officers of the
10 department of public safety's corrections division, the board
11 shall assist in the resolution of the impasse as follows:

- 12 (1) Mediation. During the first twenty days after the
13 date of impasse, the board shall immediately appoint a
14 mediator, representative of the public from a list of
15 qualified persons maintained by the board, to assist
16 the parties in a voluntary resolution of the impasse.
- 17 (2) Arbitration. If the impasse continues twenty days
18 after the date of impasse, the board shall immediately
19 notify the employer and the exclusive representative
20 that the impasse shall be submitted to a three-member



1 arbitration panel who shall follow the arbitration
2 procedure provided herein.

3 (A) Arbitration panel. Two members of the
4 arbitration panel shall be selected by the
5 parties; one shall be selected by the employer
6 and one shall be selected by the exclusive
7 representative. The neutral third member of the
8 arbitration panel, who shall chair the
9 arbitration panel, shall be selected by mutual
10 agreement of the parties. In the event that the
11 parties fail to select the neutral third member
12 of the arbitration panel within thirty days from
13 the date of impasse, the board shall request the
14 American Arbitration Association, or its
15 successor in function, to furnish a list of five
16 qualified and experienced interest arbitrators
17 from which the neutral arbitrator shall be
18 selected. Within five days after receipt of the
19 list, the parties shall alternately strike names
20 from the list until a single name is left, who
21 shall be immediately appointed by the board as



1 the neutral arbitrator and chairperson of the
2 arbitration panel.

3 (B) Final positions. Upon the selection and
4 appointment of the arbitration panel, each party
5 shall submit to the panel, in writing, with copy
6 to the other party, a final position that shall
7 include all provisions in any existing collective
8 bargaining agreement not being modified, all
9 provisions already agreed to in negotiations, and
10 all further provisions that each party is
11 proposing for inclusion in the final agreement;
12 provided that such further provisions shall be
13 limited to those specific proposals that were
14 submitted in writing to the other party and were
15 the subject of collective bargaining between the
16 parties up to the time of the impasse, including
17 those specific proposals that the parties have
18 decided to include through a written mutual
19 agreement. The arbitration panel shall decide
20 whether final positions are compliant with this



1 provision and which proposals may be considered
2 for inclusion in the final agreement.

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

16 (D) Arbitration decision. Within thirty days after
17 the conclusion of the hearing, a majority of the
18 arbitration panel shall reach a decision pursuant
19 to subsection (f) on all provisions that each
20 party proposed in its respective final position
21 for inclusion in the final agreement and transmit



1 a preliminary draft of its decision to the
2 parties. The parties shall review the
3 preliminary draft for completeness, technical
4 correctness, and clarity and may mutually submit
5 to the panel any desired changes or adjustments
6 that shall be incorporated in the final draft of
7 its decision. Within fifteen days after the
8 transmittal of the preliminary draft, a majority
9 of the arbitration panel shall issue the
10 arbitration decision."

11 SECTION 3. The rights, benefits, and privileges currently
12 enjoyed by adult corrections officers of the department of
13 public safety's correction division, including those rights,
14 benefits, and privileges under chapters 76, 78, 87A, and 88,
15 Hawaii Revised Statutes, shall not be impaired or diminished as
16 a result of these employees being transitioned to the newly
17 created bargaining unit (16). The transition to the new
18 bargaining unit (16) shall not result in any break in service
19 for the affected employees. The rights, benefits, and
20 privileges currently enjoyed by state and county ocean safety
21 and water safety officers shall be maintained under their



S.B. NO. 2703

Report Title:

Collective Bargaining; Institutional, Health, and Correctional Workers; Adult Corrections Officers; Department of Public Safety Corrections Division

Description:

Retains institutional, health, and correctional workers except for Adult Corrections Officers of the Department of Public Safety's Corrections Division under bargaining unit (10). Creates a separate bargaining unit (16) for Adult Corrections Officers of the Department of Public Safety's Corrections Division.

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