

JAN 24 2024

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. The legislature finds that the Hawai'i labor
2 relations board determined that graduate assistants at the
3 university of Hawai'i are public employees as defined under
4 section 89-2, Hawaii Revised Statutes. *In the matter of*
5 *Academic Labor United*, Hawaii Labor Relations Board, Case No.
6 23-DR-00-120, Order No. 4019, January 4, 2024. The Hawai'i labor
7 relations board also concluded that the graduate assistant
8 members are not included in bargaining units (1), (2), (4)
9 through (6), (9) through (12), (14), or (15) that are identified
10 in section 89-6, Hawaii Revised Statutes.

11 Accordingly, the purpose of this Act is to effectuate the
12 Hawai'i labor relations board order and establish a new
13 bargaining unit for graduate assistants at the university of
14 Hawai'i.

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

17 1. By amending subsection (a) to read:



1 "(a) All employees throughout the State within any of the
2 following categories shall constitute an appropriate bargaining
3 unit:

- 4 (1) Nonsupervisory employees in blue collar positions;
- 5 (2) Supervisory employees in blue collar positions;
- 6 (3) Nonsupervisory employees in white collar positions;
- 7 (4) Supervisory employees in white collar positions;
- 8 (5) Teachers and other personnel of the department of
9 education under the same pay schedule, including part-
10 time employees working less than twenty hours a week
11 who are equal to one-half of a full-time equivalent;
- 12 (6) Educational officers and other personnel of the
13 department of education under the same pay schedule;
- 14 (7) Faculty of the University of Hawaii and the community
15 college system;
- 16 (8) Personnel of the University of Hawaii and the
17 community college system, other than faculty;
- 18 (9) Registered professional nurses;
- 19 (10) Institutional, health, and correctional workers;
- 20 (11) Firefighters;
- 21 (12) Police officers;



1 (13) Professional and scientific employees, who cannot be
2 included in any of the other bargaining units;

3 (14) State law enforcement officers; [~~and~~]

4 (15) State and county ocean safety and water safety
5 officers [~~-~~]; and

6 (16) Graduate assistants employed by the university of
7 Hawaii and community college system."

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

9 "(d) For the purpose of negotiating a collective
10 bargaining agreement, the public employer of an appropriate
11 bargaining unit shall mean the governor together with the
12 following employers:

13 (1) For bargaining units (1), (2), (3), (4), (9), (10),
14 (13), (14), and (15), the governor shall have six
15 votes and the mayors, the chief justice, and the
16 Hawaii health systems corporation board shall each
17 have one vote if they have employees in the particular
18 bargaining unit;

19 (2) For bargaining units (11) and (12), the governor shall
20 have four votes and the mayors shall each have one
21 vote;



1 (3) For bargaining units (5) and (6), the governor shall
2 have three votes, the board of education shall have
3 two votes, and the superintendent of education shall
4 have one vote; and

5 (4) For bargaining units (7) [~~and~~], (8), and (16), the
6 governor shall have three votes, the board of regents
7 of the University of Hawaii shall have two votes, and
8 the president of the University of Hawaii 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 3. By amending subsection (f) to read:

16 "(f) The following individuals shall not be included in
17 any appropriate bargaining unit or be entitled to coverage under
18 this chapter:

19 (1) Elected or appointed official;

20 (2) Member of any board or commission; provided that

21 nothing in this paragraph shall prohibit a member of a



1 collective bargaining unit from serving on a governing
2 board of a charter school, on the state public charter
3 school commission, or as a charter school authorizer
4 established under chapter 302D;

5 (3) Top-level managerial and administrative personnel,
6 including the department head, deputy or assistant to
7 a department head, administrative officer, director,
8 or chief of a state or county agency or major
9 division, and legal counsel;

10 (4) Secretary to top-level managerial and administrative
11 personnel under paragraph (3);

12 (5) Individual concerned with confidential matters
13 affecting employee-employer relations;

14 (6) Part-time employee working less than twenty hours per
15 week, except part-time employees included in [~~unit~~]
16 units (5) [~~7~~] and (16);

17 (7) Temporary employee of three months' duration or less;

18 (8) Employee of the executive office of the governor or a
19 household employee at Washington Place;

20 (9) Employee of the executive office of the lieutenant
21 governor;



- 1 (10) Employee of the executive office of the mayor;
- 2 (11) Staff of the legislative branch of the State;
- 3 (12) Staff of the legislative branches of the counties,
- 4 except employees of the clerks' offices of the
- 5 counties;
- 6 (13) Any commissioned and enlisted personnel of the Hawaii
- 7 national guard;
- 8 (14) Inmate, kokua, patient, ward, or student of a state
- 9 institution;
- 10 (15) Student help;
- 11 (16) Staff of the Hawaii labor relations board;
- 12 (17) Employees of the Hawaii national guard youth challenge
- 13 academy; or
- 14 (18) Employees of the office of elections."

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

17 "(d) If an impasse exists between a public employer and
18 the exclusive bargaining representative of bargaining unit (1),
19 nonsupervisory employees in blue collar positions; bargaining
20 unit (5), teachers and other personnel of the department of
21 education; [œ] bargaining unit (7), faculty of the University



1 of Hawaii and the community college system^[7]; or bargaining
2 unit (16), graduate assistants employed by the university of
3 Hawaii and community college system, the board shall assist in
4 the resolution of the impasse as follows:

5 (1) Voluntary mediation. During the first twenty days of
6 the date of impasse, either party may request the
7 board to assist in a voluntary resolution of the
8 impasse by appointing a mediator or mediators,
9 representative of the public from a list of qualified
10 persons maintained by the board;

11 (2) Mediation. If the impasse continues more than twenty
12 days, the board shall appoint a mediator or mediators,
13 representative of the public from a list of qualified
14 persons maintained by the board, to assist the parties
15 in a voluntary resolution of the impasse. The board
16 may compel the parties to attend mediation, reasonable
17 in time and frequency, until the fiftieth day of
18 impasse. Thereafter, mediation shall be elective with
19 the parties, subject to the approval of the board;



1 (3) Report of the board. The board shall promptly report
2 to the appropriate legislative body or bodies the
3 following circumstances as each occurs:

4 (A) The date of a tentative agreement and whether the
5 terms thereof are confidential between the
6 parties;

7 (B) The ratification or failure of ratification of a
8 tentative agreement;

9 (C) The signing of a tentative agreement;

10 (D) The terms of a tentative agreement; or

11 (E) On or about the fiftieth day of impasse, the
12 failure of mediation.

13 The parties shall provide the board with the requisite
14 information; and

15 (4) After the fiftieth day of impasse, the parties may
16 resort to [such] other remedies that are not
17 prohibited by any agreement pending between them,
18 other provisions of this chapter, or any other law."

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



S.B. NO. 3317

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

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

4

INTRODUCED BY: *Kal Rhoad*



S.B. NO. 3317

Report Title:

Collective Bargaining; Graduate Assistants; University of Hawaii; Community College System

Description:

Establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii and community college system.

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

