
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 PART I

2 SECTION 1. The legislature finds that the establishment of
3 public employee collective bargaining units is a matter of
4 statewide concern pursuant to article X, section 6, of the
5 Hawaii State Constitution.

6 The purpose of this Act is to allow graduate assistants
7 employed by the university of Hawaii and community college
8 system to collectively bargain upon determination by the Hawaii
9 labor relations board.

10 PART II

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

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

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

17 (1) Nonsupervisory employees in blue collar positions;



- 1 (2) Supervisory employees in blue collar positions;
- 2 (3) Nonsupervisory employees in white collar positions;
- 3 (4) Supervisory employees in white collar positions;
- 4 (5) Teachers and other personnel of the department of
- 5 education under the same pay schedule, including part-
- 6 time employees working less than twenty hours a week
- 7 who are equal to one-half of a full-time equivalent;
- 8 (6) Educational officers and other personnel of the
- 9 department of education under the same pay schedule;
- 10 (7) Faculty of the [~~University~~] university of Hawaii and
- 11 the community college system;
- 12 (8) Personnel of the [~~University~~] university of Hawaii and
- 13 the community college system, other than faculty;
- 14 (9) Registered professional nurses;
- 15 (10) Institutional, health, and correctional workers;
- 16 (11) Firefighters;
- 17 (12) Police officers;
- 18 (13) Professional and scientific employees, who cannot be
- 19 included in any of the other bargaining units;
- 20 (14) State law enforcement officers; [~~and~~]



1 (15) State and county ocean safety and water safety
2 officers~~[]~~; and

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

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

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

10 (1) For bargaining units (1), (2), (3), (4), (9), (10),
11 (13), (14), and (15), the governor shall have six
12 votes and the mayors, the chief justice, and the
13 Hawaii health systems corporation board shall each
14 have one vote if they have employees in the particular
15 bargaining unit;

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

19 (3) For bargaining units (5) and (6), the governor shall
20 have three votes, the board of education shall have



1 two votes, and the superintendent of education shall
2 have one vote; and

3 (4) For bargaining units (7) [~~and~~], (8), and (16), the
4 governor shall have three votes, the board of regents
5 of the [~~University~~] university of Hawaii shall have
6 two votes, and the president of the [~~University~~]
7 university of Hawaii shall have one vote.

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

13 3. By amending subsection (f) to read:

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

17 (1) Elected or appointed official;

18 (2) Member of any board or commission; provided that
19 nothing in this paragraph shall prohibit a member of a
20 collective bargaining unit from serving on a governing
21 board of a charter school, on the state public charter



- 1 school commission, or as a charter school authorizer
2 established under chapter 302D;
- 3 (3) Top-level managerial and administrative personnel,
4 including the department head, deputy or assistant to
5 a department head, administrative officer, director,
6 or chief of a state or county agency or major
7 division, and legal counsel;
- 8 (4) Secretary to top-level managerial and administrative
9 personnel under paragraph (3);
- 10 (5) Individual concerned with confidential matters
11 affecting employee-employer relations;
- 12 (6) Part-time employee working less than twenty hours per
13 week, except part-time employees included in [~~unit~~]
14 units (5) [~~+~~] and (16);
- 15 (7) Temporary employee of three months' duration or less;
- 16 (8) Employee of the executive office of the governor or a
17 household employee at Washington Place;
- 18 (9) Employee of the executive office of the lieutenant
19 governor;
- 20 (10) Employee of the executive office of the mayor;
- 21 (11) Staff of the legislative branch of the State;



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

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

15 "(d) If an impasse exists between a public employer and
 16 the exclusive bargaining representative of bargaining unit (1),
 17 nonsupervisory employees in blue collar positions; bargaining
 18 unit (5), teachers and other personnel of the department of
 19 education; [~~or~~] bargaining unit (7), faculty of the [~~University~~]
 20 university of Hawaii and the community college system[~~7~~]; or
 21 bargaining unit (16), graduate assistants employed by the



1 university of Hawaii and community college system, the board
2 shall assist in the resolution of the impasse as follows:

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

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

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



1 (A) The date of a tentative agreement and whether the
2 terms thereof are confidential between the
3 parties;

4 (B) The ratification or failure of ratification of a
5 tentative agreement;

6 (C) The signing of a tentative agreement;

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

8 (E) On or about the fiftieth day of impasse, the
9 failure of mediation.

10 The parties shall provide the board with the requisite
11 information; and

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

16 PART III

17 SECTION 4. Section 89-6, Hawaii Revised Statutes, is
18 amended by amending subsection (f) to read as follows:

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



- 1 (1) Elected or appointed official;
- 2 (2) Member of any board or commission; provided that
- 3 nothing in this paragraph shall prohibit a member of a
- 4 collective bargaining unit from serving on a governing
- 5 board of a charter school, on the state public charter
- 6 school commission, or as a charter school authorizer
- 7 established under chapter 302D;
- 8 (3) Top-level managerial and administrative personnel,
- 9 including the department head, deputy or assistant to
- 10 a department head, administrative officer, director,
- 11 or chief of a state or county agency or major
- 12 division, and legal counsel;
- 13 (4) Secretary to top-level managerial and administrative
- 14 personnel under paragraph (3);
- 15 (5) Individual concerned with confidential matters
- 16 affecting employee-employer relations;
- 17 (6) Part-time employee working less than twenty hours per
- 18 week, except part-time employees included in unit (5);
- 19 (7) Temporary employee of three months' duration or less;
- 20 (8) Employee of the executive office of the governor or a
- 21 household employee at Washington Place;



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

6 SECTION 7. This Act shall take effect on July 1, 3000;
7 provided that:

- 8 (1) Part II shall take effect upon the Hawaii labor
9 relations board's determination, by petition by the
10 graduate assistants employed by the university of
11 Hawaii and its community college system, that the
12 graduate assistants are ready to be placed in a
13 bargaining unit; and
14 (2) Part III shall be repealed when part II takes effect.



Report Title:

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

Description:

Exempts graduate assistants from collective bargaining until they petition the Hawaii Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit, at which point a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college system will be established. Effective 7/1/3000. (HD3)

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