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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1           SECTION 1. Section 89-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3           "(e) If an impasse exists between a public employer and  
4 the exclusive representative of bargaining unit (2), supervisory  
5 employees in blue collar positions; bargaining unit (3),  
6 nonsupervisory employees in white collar positions; bargaining  
7 unit (4), supervisory employees in white collar positions;  
8 bargaining unit (6), educational officers and other personnel of  
9 the department of education under the same salary schedule;  
10 bargaining unit (8), personnel of the University of Hawaii and  
11 the community college system, other than faculty; bargaining  
12 unit (9), registered professional nurses; bargaining unit (10),  
13 institutional, health, and correctional workers; bargaining unit  
14 (11), firefighters; bargaining unit (12), police officers;  
15 bargaining unit (13), professional and scientific employees;  
16 bargaining unit (14), state law enforcement officers; or  
17 bargaining unit (15), state and county ocean safety and water



1 safety officers, the board shall assist in the resolution of the  
2 impasse as follows:

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

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

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



1 parties fail to select the neutral third member  
2 of the arbitration panel within thirty days from  
3 the date of impasse, the board shall request the  
4 American Arbitration Association, Federal  
5 Mediation and Conciliation Service, or its  
6 [~~successor~~] successors in function, to furnish a  
7 list of five qualified and experienced interest  
8 arbitrators from which the neutral arbitrator  
9 shall be selected[~~-~~]; provided that the list of  
10 five interest arbitrators may contain interest  
11 arbitrators from both the American Arbitration  
12 Association and Federal Mediation and  
13 Conciliation Service, or its successors. Within  
14 five days after receipt of the list, the parties  
15 shall alternately strike names from the list  
16 until a single name is left, who shall be  
17 immediately appointed by the board as the neutral  
18 arbitrator and chairperson of the arbitration  
19 panel.

20 (B) Final positions. Upon the selection and  
21 appointment of the arbitration panel, each party



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

19 (C) Arbitration hearing. Within one hundred twenty  
20 days of its appointment, the arbitration panel  
21 shall commence a hearing at which time the



1 parties may submit, either in writing or through  
2 oral testimony, all information or data  
3 supporting their respective final positions. The  
4 arbitrator, or the chairperson of the arbitration  
5 panel together with the other two members, are  
6 encouraged to assist the parties in a voluntary  
7 resolution of the impasse through mediation, to  
8 the extent practicable throughout the entire  
9 arbitration period until the date the panel is  
10 required to issue its arbitration decision.

11 (D) Arbitration decision. Within thirty days after  
12 the conclusion of the hearing, a majority of the  
13 arbitration panel shall reach a decision pursuant  
14 to subsection (f) on all provisions that each  
15 party proposed in its respective final position  
16 for inclusion in the final agreement and transmit  
17 a preliminary draft of its decision to the  
18 parties. The parties shall review the  
19 preliminary draft for completeness, technical  
20 correctness, and clarity and may mutually submit  
21 to the panel any desired changes or adjustments



1           that shall be incorporated in the final draft of  
2           its decision. Within fifteen days after the  
3           transmittal of the preliminary draft, a majority  
4           of the arbitration panel shall issue the  
5           arbitration decision."

6           SECTION 2. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

HLRB; Collective Bargaining; Resolution of Disputes; Impasse;  
Arbitrator Selection

**Description:**

Authorizes the Hawaii Labor Relations Board to request the Federal Mediation and Conciliation Service to furnish a list of five qualified and experienced interest arbitrators in the event the parties fail to select the neutral third member of the arbitration panel. Clarifies that the list of five interest arbitrators may contain arbitrators from both the American Arbitration Association and Federal Mediation and Conciliation Service. Effective 7/1/3000. (HD1)

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

