
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~~] their respective successors in
7 function, to furnish a list of five qualified and
8 experienced interest arbitrators from which the
9 neutral arbitrator shall be selected~~[=]~~; provided
10 that the list of five interest arbitrators may
11 contain interest arbitrators from both the
12 American Arbitration Association and Federal
13 Mediation and Conciliation Service, or their
14 respective successors. Within five days after
15 receipt of the list, the parties shall
16 alternately strike names from the list until a
17 single name is left, who shall be immediately
18 appointed by the board as the neutral arbitrator
19 and chairperson of the arbitration 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 upon its approval.



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 the Federal Mediation and Conciliation Service. (SD1)

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

