

**ACT**  
**V E T S . B . N O .**

**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 subsections (d) and (e) to read as follows:  
3           "(d) If an impasse exists between a public employer and  
4 the exclusive bargaining representative of bargaining unit (1),  
5 nonsupervisory employees in blue collar positions; [~~bargaining~~  
6 ~~unit (2), supervisory employees in blue collar positions,~~  
7 ~~bargaining unit (3), nonsupervisory employees in white collar~~  
8 ~~positions; bargaining unit (4), supervisory employees in white~~  
9 ~~cellar positions,~~] bargaining unit (5), teachers and other  
10 personnel of the department of education; [~~bargaining unit (6),~~  
11 ~~educational officers and other personnel of the department of~~  
12 ~~education under the same salary schedule,~~] or bargaining unit  
13 (7), faculty of the University of Hawaii and the community  
14 college system[~~;~~ ~~bargaining unit (8), personnel of the~~  
15 ~~University of Hawaii and the community college system, other~~  
16 ~~than faculty, or bargaining unit (13), professional and~~  
17 ~~scientific employees], the board shall assist in the resolution  
18 of the impasse as follows:~~



- 1           (1) Voluntary mediation. During the first twenty days of  
2           the date of impasse, either party may request the  
3           board to assist in a voluntary resolution of the  
4           impasse by appointing a mediator or mediators,  
5           representative of the public from a list of qualified  
6           persons maintained by the board;
- 7           (2) Mediation. If the impasse continues more than twenty  
8           days, the board shall appoint a mediator or mediators  
9           representative of the public from a list of qualified  
10          persons maintained by the board, to assist the parties  
11          in a voluntary resolution of the impasse. The board  
12          may compel the parties to attend mediation, reasonable  
13          in time and frequency, until the fiftieth day of  
14          impasse. Thereafter, mediation shall be elective with  
15          the parties, subject to the approval of the board;
- 16          (3) Report of the board. The board shall promptly report  
17          to the appropriate legislative body or bodies the  
18          following circumstances as each occurs:
- 19                (A) The date of a tentative agreement and whether the  
20                terms thereof are confidential between the  
21                parties;



- 1 (B) The ratification or failure or ratification of a
- 2 tentative agreement;
- 3 (C) The signing of a tentative agreement;
- 4 (D) The terms of a tentative agreement; or
- 5 (E) On or about the fiftieth day of impasse, the
- 6 failure of mediation.

7 The parties shall provide the board with the requisite  
8 information; and

- 9 (4) After the fiftieth day of impasse, the parties may
- 10 resort to such other remedies that are not prohibited
- 11 by any agreement pending between them, other
- 12 provisions of this chapter, or any other law.

13 (e) If an impasse exists between a public employer and the  
 14 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  
 22 unit (9), registered professional nurses; bargaining unit (10),



1 institutional, health, and correctional workers; bargaining  
2 unit (11), firefighters; [~~e~~] bargaining unit (12), police  
3 officers[~~r~~]; or bargaining unit (13), professional and  
4 scientific employees, the board shall assist in the resolution  
5 of the impasse as follows:

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

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

17 (A) Arbitration panel. Two members of the  
18 arbitration panel shall be selected by the  
19 parties; one shall be selected by the employer  
20 and one shall be selected by the exclusive  
21 representative. The neutral third member of the  
22 arbitration panel, who shall chair the

1 arbitration panel, shall be selected by mutual  
2 agreement of the parties. In the event that the  
3 parties fail to select the neutral third member  
4 of the arbitration panel within thirty days from  
5 the date of impasse, the board shall request the  
6 American Arbitration Association, or its  
7 successor in function, to furnish a list of five  
8 qualified arbitrators from which the neutral  
9 arbitrator shall be selected. Within five days  
10 after receipt of such list, the parties shall  
11 alternately strike names from the list until a  
12 single name is left, who shall be immediately  
13 appointed by the board as the neutral arbitrator  
14 and chairperson of the arbitration panel.

15 (B) Final positions. Upon the selection and  
16 appointment of the arbitration panel, each party  
17 shall submit to the panel, in writing, with copy  
18 to the other party, a final position which shall  
19 include all provisions in any existing collective  
20 bargaining agreement not being modified, all  
21 provisions already agreed to in negotiations, and



1 all further provisions which each party is  
2 proposing 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  
22 a preliminary draft of its decision to the



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

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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



SB768 CD1

**Report Title:**

Collective Bargaining; Reinstatement to Binding Arbitration

**Description:**

Reinstates binding arbitration for bargaining units (2), (3), (4), (6), (8), and (13). (CD1)

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