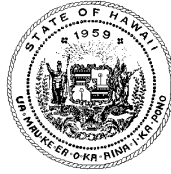


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA



BRENN A H. HASHIMOTO
CHIEF NEGOTIATOR

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

Statement of
BRENN A H. HASHIMOTO
Chief Negotiator, Office of Collective Bargaining

Before the
HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS
Tuesday, February 7, 2023
9:00AM
State Capitol, Conference Room 309

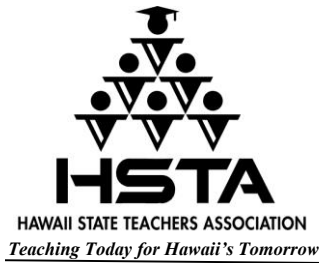
In consideration of
HB 77, RELATING TO TEACHERS

Chair Matayoshi, Vice Chair Garrett, and the members of the committee:

The Office of Collective Bargaining (OCB) appreciates the intent of HB 77, which clarifies that public charter school teachers and other personnel employed by public charter schools under the same pay schedule are included in collective bargaining unit (5). However, OCB offers the following comment on this measure:

Hawaii Revised Statutes (HRS) Chapter 89-10.55 already addresses collective bargaining for public charter school teachers and other personnel employed by public charter schools under the same pay schedule. As such, OCB believes this measure may not be necessary.

Thank you for the opportunity to provide testimony and comments on this measure.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.
President
Logan Okita.
Vice President
Lisa Morrison
Secretary-Treasurer
Ann Mahi
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR &
GOVERNMENT OPERATIONS

RE: HB 77 - RELATING TO TEACHERS

TUESDAY, FEBRUARY 7, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

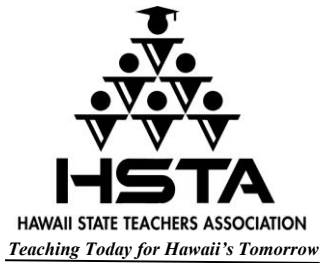
Chair Matayoshi and Members of the Committee:

The Hawaii State Teachers Association **supports HB 77**, relating to teachers. This bill clarifies that public charter school teachers and other personnel employed by public charter schools under the same pay schedule are included in collective bargaining unit 05 (BU05).

HSTA is the exclusive representative for BU05, including all public school teachers employed by the Hawai'i Department of Education and Hawai'i Public Charter Schools. Since the inception of public charter schools over 20 years ago, HSTA has represented public charter school teachers in grievances, employee investigations, and negotiations.

In recent years, contrary to statute, the employer has questioned the status of public charter schools and their representation. The Attorney General's (AG) office as well as representatives of the Department of Human Resources Development (DHRD) have alternatively claimed that charter teachers either don't fall under the Bargaining Unit 05 designation and/or the state has no authority to bargain for the public charter school teachers. These claims are despite the following statutory provisions:

- H.R.S. §89-10.55 (a) - "Employees of charter schools shall be assigned to an appropriate bargaining unit as specified in section 89-6" There are no other bargaining units that would reasonably include public charter school teachers.
- H.R.S. §89-10.55 (b) "For the purpose of negotiating a collective bargaining agreement for charter school employees who are assigned to an appropriate



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Ann Mahi
Executive Director

bargaining unit, the employer shall be determined as provided in section 89-6(d).” 89-6(d) outlines the six employer votes across the negotiations table from HSTA.

- H.R.S. §89-10.55(c) – “For the purpose of negotiating a memorandum of agreement or a supplemental agreement that only applies to employees of a charter school, the employer shall mean the governing board, subject to the conditions and requirements contained in the applicable sections of this chapter governing any memorandum of agreement or supplemental agreement.” This only allows charter school governing boards to negotiate supplemental agreements to the BU05 contract.

These claims are also despite the fact that Budget & Finance provides and includes salary calculations for public charter school teachers in the appropriation bills to fund collective bargaining increases.

Thus, HSTA requests the legislature clarify the language in H.R.S. §89-6 to fully acknowledge the legislative intent and inclusion of public charter school teachers in the bargaining unit 05 designation.

HSTA asks your committee to support this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Labor and Government Operations

Testimony by
Hawaii Government Employees Association

February 7, 2023

H.B. 77 — RELATING TO TEACHERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments on H.B. 77 which seeks to clarify that public school teachers and other personnel employed by public charter schools under the same pay schedule are included in collective bargaining unit (5).

Currently, Section 89-6, Hawaii Revised Statutes, does not explicitly mention public charter schools with regard to any bargaining unit. In addition to public school teachers and other personnel in bargaining unit 5, public charter schools employ personnel in other collective bargaining units, including but not limited to, collective bargaining units (1) nonsupervisory employees in blue collar positions; (2) supervisory employees in blue collar positions; (3) nonsupervisory employees in white collar positions, (4) supervisory employees in white collar positions; (6) educational officers, and (13) professional and scientific employees.

Including clarifying language about only one of many bargaining units' employees employed by the public charter schools will lead to confusion and misinterpretation about the extent to which personnel employed by public charter schools are included in bargaining units 2, 3, 4, 6, and/or 13. Therefore, if there is going to be express reference to public charter schools in relation to bargaining unit 5, it should be expressly referenced for the other bargaining units that include personnel employed by public charter schools. To avoid confusion and misinterpretation of the intent behind this clarification, there should be clarifying language for all affected bargaining units that include public charter school employees, or none at all.

Thank you for the opportunity to provide comments on H.B. 77.

Respectfully submitted,

Randy Perreira
Executive Director