



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/27/2015

Time: 09:00 AM

Location: 211

Committee: Senate Ways and Means

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0163, SD1 RELATING TO COLLECTIVE BARGAINING.

Purpose of Bill: Requires, for collective bargaining for units (5) and (6), 3 votes for the governor, 2 votes for the board of education, one vote for the superintendent of education, and 1 vote for the public charter schools. Requires, for collective bargaining for unit (9), 3 votes for the governor, 2 votes for the HHSC board, and 1 vote for the chief justice. Effective 01/07/2059. (SD1)

Department's Position:

The Department of Education (Department) respectfully opposes that portion of Senate Bill 163 SD1 which seeks to amend subsection (d)(3) of Hawaii Revised Statute Section 89-6. The proposed amendment would provide the state public charter school commission with one public employer vote in negotiations for a collective bargaining agreement for bargaining units 05 (teachers) and 06 (educational officers).

The Department opposes the identified provision because it would upset the deliberate balance between the Governor, the board of education (BOE) and the superintendent of education. Currently, the Governor's three votes are necessary to reach agreement for bargaining units 05 and 06, as is either the BOE's two votes or the superintendent's one vote.

The addition of a vote for the state public charter school commission would create the potential for a collective bargaining agreement that is not supported by the Governor or, alternatively, not supported by the BOE or superintendent. The result would be an agreement that is not in the best interests of the teachers and educational officers in the Department, notwithstanding that approximately 96 percent of bargaining unit 05, and 97 percent of bargaining unit 06, are the Department's employees.

For the stated reasons, the DOE respectfully requests that SB163 SD1 be held.

DAVID IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: 808-586-3775 Fax: 808-586-3776

FOR: SB163 SD1 Relating to Collective Bargaining
DATE: Friday, February 27, 2015
TIME: 9:00 a.m.
COMMITTEE(S): Senate Committee on Ways and Means
ROOM: Conference Room 211
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Tokuda, Vice Chair Kouchi, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this written testimony in support of the intent of Senate Bill 163 SD1, “Relating to Collective Bargaining,” which among other things would provide for the representation of charter schools by a representative selected by the Commission in the negotiating of the collective bargaining agreements for employees in Bargaining Units (5) and (6).

Under this bill, for purposes of negotiating these collective bargaining agreements, the “public employer” would mean the Governor, who would have three votes; the Hawaii Board of Education, with two votes; the Superintendent of the Department of Education, with one vote; and a representative of the public charter schools, selected by the Commission, with one vote.

The Commission supports the intent of the proposal, which recognizes the shortcomings of Hawaii’s current collective bargaining process for its public charter school employees. Under that process, master agreements negotiated between the Department of Education (“DOE”) and the exclusive representatives of these bargaining units apply to employees serving in charter schools as well as in DOE schools. There is no formal mechanism in that process for direct representation by public charter schools, and negotiators for employer and employee alike have acknowledged that charter schools are, at best, an afterthought in what already is an enormously complicated undertaking for the DOE schools alone.

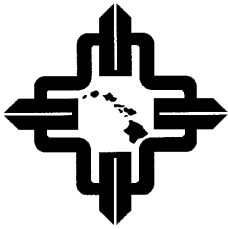
Under Sections 302D-1 and 302-D12(e), Hawaii Revised Statutes, charter school governing boards are empowered to negotiate supplemental collective bargaining agreements with exclusive representatives of their employees. In theory, this allows for modifications to provisions in the master agreements that were not developed with charter school realities in mind and may not be workable in such a different context.

As a practical matter, however, the process of negotiating up to 34 supplemental agreements has proved very challenging for the exclusive representatives. As of this writing, some 18 months after the master agreement with the Hawaii State Teachers Association (“HSTA”) was finalized, only three supplemental agreements with charter schools have been executed. Because no charter school opted into the DOE’s Educator Effectiveness System, every charter school must negotiate a supplemental agreement on that issue, if on no other. The news that negotiations between DOE and HSTA over the master agreement will reopen may entail additional delay for the negotiation of the remaining charter school supplemental agreements.

Our understanding is that the Hawaii Public Charter Schools Network and HSTA have requested that the Legislature hold off on legislation on this issue for now while they attempt to collaborate to address the problem via other means, such as by having schools collectively negotiate a master supplement agreement with HSTA. If so, we would defer to their wishes at this time. Otherwise, we would urge this Committee to report the bill out for further consideration but would respectfully request that the Committee consider an amendment.

While any proposal to provide for more charter school input in the collective bargaining process would be an improvement from the status quo, another measure introduced this Session on this topic, Senate Bill 837, would have provided for separate negotiation of the collective bargaining agreements for charter school employees in by including two charter school representatives chosen by the schools’ governing boards themselves as part of the “public employer” on matters related to charter schools. This, we believe, would be preferable approach to the Commission’s selection of the representative.

Thank you for the opportunity to provide this testimony.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

**Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair**

February 27, 2015
Conference Room 211
9:00 a.m.
Hawaii State Capitol

**Testimony Supporting Senate Bill 163, SD1, Relating To Collective Bargaining.
Creates a separate subsection for Bargaining Unit 09 under Section 89-6, of the
Hawaii Revised Statutes.**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony in **support** of SB 163, SD1, that requires agreements for collective bargaining unit (9) to provide 3 votes for the governor, 2 for HHSC, and 1 vote for the chief justice.

Bargaining unit 09 is comprised almost entirely of nurses from the HHSC facilities statewide. Being lumped together with the other bargaining units stifles their ability to focus on critical issues unique to their working environment. As such, these HHSC nurses need more equitable representation, and a stronger voice at the negotiating table. Passage of this bill would allow our nurses better control over the terms and conditions of their collective-bargaining agreements. It would allow HHSC to work more collaboratively with them in the negotiating process. The overall working relationship between HHSC and the nurses would be strengthened as would our ability to focus on key issues affecting the cost of doing business in our fast-paced and fiscally challenging environment.

Thank you for the opportunity to testify before this committee. We would respectfully recommend the Committee's support of this measure.

SB163

Submitted on: 2/25/2015

Testimony for WAM on Feb 27, 2015 09:00AM in Conference Room 211

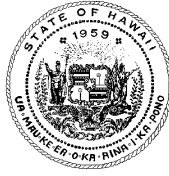
Submitted By	Organization	Testifier Position	Present at Hearing
Elena Cabatu	East Hawaii Region of Hawaii Health Systems Corporation	Support	Yes

Comments: Dan Brinkman, East Hawaii Regional Interim Chief Executive Officer, and Money Atwal, Chief Financial Officer/Chief Informational Officer, will be present at the hearing.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

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

February 25, 2015

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Friday, February 27, 2015
9:00 a.m., Conference Room 211

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**Senate Bill No. 163 S.D. 1
Relating to Collective Bargaining**

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON JILL N. TOKUDA, VICE CHAIR KOUCHI AND MEMBERS OF THE
SENATE COMMITTEE ON WAYS AND MEANS:

Thank you for the opportunity to provide testimony on S.B. No. 163 S.D.1.

The purpose of S.B. No. 163 S.D. 1 is to authorize the chair of the state public charter school commission to vote on collective bargaining agreements for bargaining units (5) and (6). It also requires collective bargaining agreements for bargaining unit (9) to provide three votes for the governor, one for the Hawaii Health Systems Corporation (HHSC), and one for the chief justice.

The Office of Collective Bargaining (OCB) **has concerns** regarding S.B. No. 163 S.D.1.

With respect to bargaining unit (9), this measure would eliminate the vote of the

mayors of the counties. While the counties do not currently have any employees in bargaining unit (9), should they establish positions in the future to be included in bargaining unit (9), elimination of the mayor's vote would deny the county the right to vote on the provisions of their employees' collective bargaining agreement. The governor, HHSC and the chief justice are already recognized as employers with voting status.

Based on the foregoing, OCB respectfully suggests that the existing voting structure for bargaining unit (9) be retained to ensure that all jurisdictions that have bargaining unit (9) employees will have a vote in the process.