

# SB2867

Measure Title: RELATING TO EDUCATION.

Report Title: Department of Education; Teachers; Educational Officers; Salary Increases; Step Increases

Description: Repeals annual increment and step salary increases for Department of Education teachers and educational officers.

Companion: [HB2338](#)

Package: Governor

Current Referral: EDU, WAM

Introducer(s): KOUCHI (Introduced by request of another party)



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

**Date:** 02/03/2016  
**Time:** 01:15 PM  
**Location:** 229  
**Committee:** Senate Education

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 2867 RELATING TO EDUCATION.

**Purpose of Bill:** Repeals annual increment and step salary increases for Department of Education teachers and educational officers.

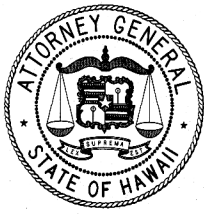
**Department's Position:**

The Department of Education ("Department") strongly supports SB 2867 and its repeal of a statutory provision for annual increment and step salary increases for the Department's teachers and educational officers.

Wages, which include incremental and longevity steps and movements between steps within the salary range, are mandatory subjects of bargaining pursuant to the collective bargaining law contained in chapter 89, HRS. As a result, the statutory provision that would be repealed by this bill, section 302A-626, is obsolete and confusing.

The statutory provision was initially enacted under a different section number in 1953, before public sector collective bargaining was established. At the time of its enactment, salary schedule increases were determined by statutes implemented via legislation. This continued throughout the next two decades, with the addition of the terms "increments" and "longevity steps" to the schedules.

Following the implementation of the collective bargaining law, and by amendment of chapter 89 in 1986, annual increments and longevity steps were made mandatory subjects of negotiation. As a result, the statutory provision is no longer applicable and should be repealed. For the reasons summarized above, the Department strongly supports SB 2867.



## TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2867, RELATING TO EDUCATION.

**BEFORE THE:**

SENATE COMMITTEE ON EDUCATION

**DATE:** Wednesday, February 3, 2016

**TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
James E. Halvorson, Deputy Attorney General or  
Maria C. Cook, Deputy Attorney General

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Chair Kidani and Members of the Committee:

The Department of the Attorney General supports SB 2867 and its repeal of section 302A-626, Hawaii Revised Statutes (HRS). Section 302A-626, HRS, is an automatic statutory entitlement to annual increments and longevity step movements for teachers and educational officers.

Section 302A-626, formerly section 297-34, was enacted in 1953, prior to the collective bargaining laws in public employment. Following the implementation of the collective bargaining laws, wages became a mandatory subject of negotiations under section 89-9(a), HRS. Pursuant to section 89-9(a), the term “wages” includes the number of incremental and longevity steps. As a result, section 302A-626 is no longer necessary in the State’s education laws and should be repealed.

Historical background. Prior to passage of the collective bargaining law in 1970, statutes determined salary increases for public employees through the salary schedules. The Legislature regularly enacted new salary schedules that gave public employees incremental raises.

In 1953, the Legislature amended the education laws and enacted section 297-34 (currently section 302A-626) to allow for automatic annual increments for teachers and educational officers, and in 1962 the longevity step increases were added in the salary schedules. Similarly, section 77-12, HRS, was amended to allow annual increments and longevity steps to civil servants.

However, since 1970, wages have been determined through collective bargaining. In 1986, section 89-9 (a) and (d), HRS, was amended to include within subjects of negotiation the “number of incremental and longevity steps and movements between steps within the salary range.” The purpose of the amendment was “to assist the public employers in containing costs.” House Journal Conf. Com. Rep. No. 7-86, at 908 (1986); Senate Journal Conf. Com. Rep. No. 48-86, at 746 (1986). The legislative history shows that the Legislature intended increments and longevity step increases to be negotiated and not be automatic, and that such increases be included as part of the overall cost package that is subject to appropriation by the Legislature. Simultaneous to amending the collective bargaining law in 1986, the Legislature also repealed section 77-12, which is the statutory authority for automatic annual increments and longevity steps for civil service employees. However, section 297-34 (currently section 302A-626) was not repealed, which may have been a legislative oversight.

Section 302A-626, HRS, was rendered irrelevant by the collective bargaining laws. It also contradicts chapter 89 insofar as chapter 89 requires increments and step increases to be negotiated. Pursuant to section 89C-6, HRS, adjustments made in accordance with chapter 89 shall take precedence over all contrary legislation.

Accordingly, the Department supports S.B. No. 2867 and its repeal of section 302A-626,

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [EDU Testimony](#)  
**Cc:** [burgharc@gmail.com](mailto:burgharc@gmail.com)  
**Subject:** Submitted testimony for SB2867 on Feb 3, 2016 13:15PM  
**Date:** Monday, February 01, 2016 11:52:54 AM

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**SB2867**

Submitted on: 2/1/2016

Testimony for EDU on Feb 3, 2016 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments Only	No

Comments: Why? How will a teacher get any increase in pay? I understand you are looking at merit.. but even within that there should be some kind of cost of living. WE ARE in Hawai'i and you want to keep teachers and grow our own here. Let's make it a place they want to be and can afford to pay their rent.

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