

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 EDUCATION
Thursday, February 16, 2023
2:00PM
State Capitol, Conference Room 309

In consideration of
HOUSE BILL 77 HD1, RELATING TO TEACHERS

Chair Woodson, Vice Chair Marten, and the members of the committee:

The Office of Collective Bargaining (OCB) appreciates the intent of HB 77 HD1, 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:

1. OCB agrees that teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their DOE counterparts pursuant to Hawaii Revised Statutes (HRS) Section 89-10.55.
2. To address any concerns or issues, OCB's understanding is HRS Section 302D-25 allows public charter schools to enter into supplemental agreements with the exclusive representatives, on cost or non-cost items, outside of the master contract:

(A) The exclusive representatives as defined in chapter 89 and the governing board of the charter school may enter into supplemental agreements that contain cost and noncost items to facilitate decentralized decision-making;

(C) These supplemental agreements may differ from the master contracts negotiated with the department;

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 EDUCATION

RE: HB 77 HD1 - RELATING TO TEACHERS

THURSDAY, FEBRUARY 16, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson and Members of the Committee:

The Hawaii State Teachers Association **supports HB 77 HD1**, 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 (5)

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 bargaining unit, the employer shall be determined as provided in section 89-



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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 even though the Legislature established under H.R.S. §89-10.55 the State of Hawaii’s obligation to engage in negotiations regarding the collective bargaining agreement for ALL of BU05 employees with the exclusive representative (HSTA) and Budget & Finance provides and includes salary calculations for public charter school teachers in the appropriation bills to fund collective bargaining increases.

In the recent hearing on this same topic in the house (HB77), the AG testified that the problem is that public charter schools “do not have a vote in the creation of master contracts” and “they weren’t sitting at the bargaining table.” It is disingenuous of the employer to pick and choose when they can act on behalf of charter school governing boards. Nothing in the statute or the rules of negotiations prevents the State of Hawaii from including the interests of public charter school employers (Governing Boards) at the table when negotiating the master agreement for BU05.

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 Education

Testimony by
Hawaii Government Employees Association

February 16, 2023

H.B. 77, H.D. 1 — RELATING TO TEACHERS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments on H.B. 77, H.D. 1 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, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-77-HD-1

Submitted on: 2/15/2023 9:44:23 AM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Nakayama	Individual	Support	Written Testimony Only

Comments:

My name is Leah Nakayama and I am a charter school teacher on Molokai and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

Mahalo

HB-77-HD-1

Submitted on: 2/15/2023 10:16:54 AM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Penny Duvauchelle	Individual	Support	Written Testimony Only

Comments:

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

RE: HB 77- RELATING TO TEACHERS

Thursday, FEBRUARY 16, 2023

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Penny Duvauchelle and I am a charter school teacher at Kualapuu Public Conversion Charter School on Molokai and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

HB-77-HD-1

Submitted on: 2/15/2023 11:59:25 AM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenna George	Individual	Support	Written Testimony Only

Comments:

My name is Jenna George and I am a charter school teacher at Kualapuu Charter (Molokai) and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

HB-77-HD-1

Submitted on: 2/15/2023 12:24:49 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Briann Starkey	Individual	Support	Written Testimony Only

Comments:

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

RE: HB 77- RELATING TO TEACHERS

Thursday, FEBRUARY 16, 2023

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Briann Starkey (her, she) and I am a charter school teacher at Kualapuu Public Conversion Charter School on Moloka'i and I SUPPORT HB77, relating to teachers. We are the only charter school here on the island and to be qualified as NOT a part of the Teacher union and Bargaining Unit 05 with our teacher colleagues is uncalled for.

This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to SUPPORT this bill. Please continue the support of equality and fairness in ALL teachers educators.

Mahalo nui

HB-77-HD-1

Submitted on: 2/15/2023 1:54:29 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion K A Kapuniai	Individual	Support	Written Testimony Only

Comments:

**ONLY IF AMENDED WITH ANOTHER SECTION WHICH INCLUDES THE
INCLUSION OF A REPRESENTATIVE OF THE CHARTER SCHOOL NETWORK TO
PARTICIPATE IN UNION NEGOTIATIONS.**

Thank you, M Kapuniai

HB-77-HD-1

Submitted on: 2/15/2023 5:14:53 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uluhuni Waialeale	Individual	Support	Written Testimony Only

Comments:

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

RE: HB 77- RELATING TO TEACHERS

Thursday, FEBRUARY 16, 2023

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Uluhuni Waialeale and I am a charter school teacher at Kualapu'u Public Conversion Charter School on the island of Molokai and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

Mahalo nui loa,

Uluhuni Waialeale

HB-77-HD-1

Submitted on: 2/15/2023 5:26:49 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greta Martinez	Individual	Support	Written Testimony Only

Comments:

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Greta Martinez and I am a charter school teacher at Kualapu'u ELeментарy Charter School on the island of Molokai and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

Respectfully,

Greta Martinez

HB-77-HD-1

Submitted on: 2/15/2023 7:45:07 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Carr	Individual	Support	Written Testimony Only

Comments:

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Eileen Carr and I am a public charter school teacher at Kualapu'u Public Conversion Charter School. I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05 as their Department of Education counterparts.

Kualapu'u School is the largest of 6 public schools on Molokai. Furthermore, it is a neighborhood school. This means that our student body is assigned to our school based on the geographic location of their homes, and would have to apply for geographic exceptions to attend any other public schools on island. Our teachers deserve the same protections and representation as any other public school teachers.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG's office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

Respectfully,

Eileen Carr

LATE

HB-77-HD-1

Submitted on: 2/16/2023 12:58:37 PM

Testimony for EDN on 2/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Keaupuni Kaahanui	Individual	Support	Written Testimony Only

Comments:

My name is Shannon Kaahanui and I am a charter school teacher at Kualapuu Elementary Public School Charter, on the island of Molokai and I support HB77, relating to teachers. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently we have heard that HSTA has been receiving push back in negotiations with the arguments from some negotiators that the AG’s office told the state negotiators that the bargaining law for BU 5 does not include charter school teachers. As teachers at charter schools, we have been, and are, proudly a part of Bargaining Unit 5 with The Hawaii State Teachers Association. HSTA has been bargaining for charter school teachers for over 20 years. Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii as part of Bargaining Unit 5, we ask your committee to support this bill.

LATE

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

RE: HB 77- RELATING TO TEACHERS

Thursday, FEBRUARY 16, 2023

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee:

My name is Ka'ala Fay Camara and I am a charter school Hawaiian Immersion teacher at Kualapu'u Public Conversion Charter School on the island of Moloka'i and I support HB77, relating to teachers. This bill clarifies that teachers and other personnel of state public charter schools are members of the same collective bargaining unit 05, as their Department of Education counterparts.

This Bill greatly affects the entire island of Moloka'i, as our school, most years, has the largest population of students compared to all other DOE schools on Moloka'i. Our school consists of a pre K-6 grade English public school program and also has the only Immersion elementary program, K-6, on island. We are also the only elementary school available to students in our district, thus the state has a responsibility to provide both these English and Hawaiian educational programs to our community. Our teachers have been part of bargaining unit 05 with HSTA Union representation long before the school's conversion to charter. 99% of our teachers are members of the union and are highly involved in school level leadership roles in HSTA.

Thus, we would like this bill passed to have language added to the bargaining law to provide clarity that HSTA does, in fact, bargain for our public charter school teachers and we are a part of HSTA.

To provide clarity in HRS 89-6 that our teachers at our public charter schools in Hawaii are part of Bargaining Unit 05, we ask your committee to support this bill.