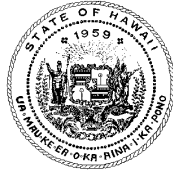


JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA



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
SENATE COMMITTEE ON LABOR AND TECHNOLOGY
And the
SENATE COMMITTEE ON EDUCATION

Monday, February 13, 2023
3:00PM
State Capitol, Conference Room 229

In consideration of
SB 718, RELATING TO PUBLIC EMPLOYEES

Chairs Moriwaki and Kidani, Vice Chairs Lee and Kim, and the members of the committees:

The Office of Collective Bargaining (OCB) appreciates the intent of SB 718, which clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their Department of Education (DOE) counterparts. However, OCB offers the following comments 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. Given some of the concerns and issues raised during the hearing of an identical bill, HB 77, OCB believes this measure may negatively impact the public charter schools by confining them to DOE standards rather than allowing them flexibility and independent authority as provided in HRS Section 302D-1.
3. To address the 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;

AN EQUAL OPPORTUNITY AGENCY

(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.



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
The Senate
Committee on Labor and Technology
Committee on Education

Testimony by
Hawaii Government Employees Association

February 13, 2023

S.B. 718 — RELATING TO PUBLIC EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments on S.B. 718 which seeks to clarify that public school teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their Department of Education counterparts.

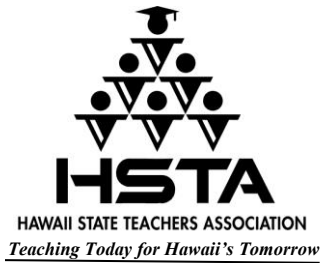
Currently, Section 89-6, Hawaii Revised Statutes, does not explicitly mention public charter schools with regard to any bargaining unit. In addition to public school teachers and other personnel in bargaining unit 5, state public charter schools employ personnel in other collective bargaining units, 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 state 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 state public charter school employees, or none at all.

Thank you for the opportunity to provide comments on S.B. 718.

Respectfully submitted,

Randy Perreira
Executive Director



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 SENATE COMMITTEE ON EDUCATION

RE: SB 718 - RELATING TO PUBLIC EMPLOYEES

MONDAY, FEBRUARY 13, 2023

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

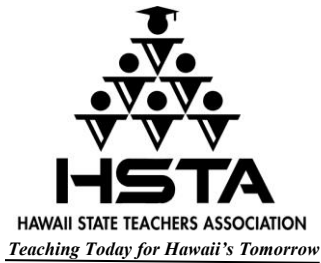
Chair Kidani and Members of the Committee:

The Hawaii State Teachers Association **supports SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their Department of Education counterparts.

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.

LATE

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND THE COMMITTEE
ON LABOR AND TECHNOLOGY

RE: SB 718 - RELATING TO PUBLIC EMPLOYEES

MONDAY, FEBRUARY 13, 2023

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Kaala Fay Camara and I am a charter school Hawaiian Language Immersion teacher at Kualapuu Conversion Charter School on the island of Molokai, and I support SB 718, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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!

SB-718

Submitted on: 2/12/2023 7:06:19 AM

Testimony for LBT on 2/13/2023 3:00:00 PM

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

Comments:

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Briann Starkey and I am a charter school teacher at Kualapu‘u Public Charter School on Moloka‘i, and I support SB 718, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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 nuii!

SB-718

Submitted on: 2/12/2023 8:16:21 AM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| John Fitzpatrick | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Kidani, Chair Moriwaki, and members of the committee,

My name is John Fitzpatrick, I am currently a 7th Grade Science teacher at Maui Waena Intermediate School and am a former science teacher and athletic director of Kihei Charter School where I served for three years. I support SB 718 which would clarify that charter school educators are bargaining unit 5 members. During my time at Kihei Charter school my HSTA uniserv helped us protect our rights as bargaining 5 members, I paid dues to HSTA, and I joined the HSTA government relations committee where we fought for the same protections and pay across the state for all public school educators whether they were DOE employees or Charter School employees. We fought for more funding of charter school facilities and to strengthen our public charter schools.

It is sad to hear that the negotiations team on the governor's side and the attorney general is trying to say educators of public charter schools are no longer members of HSTA and no longer protected by bargaining unit 5. If they are successful it would weaken the protections of public charter school educators and the students of charter schools will be negatively impacted.

Because of this I ask that you support SB 718 to provide clarity in HRS 89-6 that our public charter school teachers are members of bargaining unit 5 and as such are protected and supported by HSTA.

Mahalo,
Fitz

John Fitzpatrick

SB-718

Submitted on: 2/12/2023 8:34:56 AM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Hope McKeen | Individual | Support | Written Testimony Only |

Comments:

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Hope McKeen and I recently switched back to DOE after being a charter school teacher for 13 years, and I **support SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their Department of Education counterparts.

HSTA has bargained for our charter school teachers for over twenty years, and only recently have we heard that HSTA has been receiving pushback 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. I have proudly served as an HSTA School Level Leader, APC committees at the school level, and as a Government Relations Committee member and chair at the State Level. We are most definitely 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.

SB-718

Submitted on: 2/12/2023 10:09:55 AM

Testimony for LBT on 2/13/2023 3:00:00 PM

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

Comments:

My name is Penny Duvauchelle and I am a charter school teacher at Kualapu'u Public Conversion Charter School ,on Molokai and I support SB 718, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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.

SB-718

Submitted on: 2/12/2023 10:38:20 AM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|------------------------|
| Tiffany Edwards Hunt | Individual | Support | Written Testimony Only |

Comments:

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Tiffany Edwards Hunt and I am a teacher at Kea`au Middle School, and also had a stint teaching at Puna charter schools prior to transitioning to regular DOE. I am writing in full **support of SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit as their Department of Education counterparts.

This bill helps to level the playing field for our charter school teachers, which are currently treated like second class citizens of the DOE, by their choice to teach at charter schools. The treatment of charter school teachers by DOE, along with the lack of resources provided to charter schools. were chief reasons I transitioned to regular DOE. And when I did, I was treated like a teacher in year zero.

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.

Teachers at charter schools 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.

And please make every effort to level the playing field for our charter school teachers who really do endure a lot to teach our students and support the families that choose charter.

Mahalo nui loa.

Tiffany Edwards Hunt

SB-718

Submitted on: 2/12/2023 12:25:43 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Ryan Link | Individual | Support | Written Testimony Only |

Comments:

My name is Ryan Link and I am a charter school teacher at Kualapu'u Public Conversion Charter and I support SB 718, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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.

Thank you for your consideration,

Ryan Link

SB-718

Submitted on: 2/12/2023 12:52:53 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Donna Daum | Individual | Support | Written Testimony Only |

Comments:

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND THE COMMITTEE ON LABOR AND TECHNOLOGY

RE: SB 718 - RELATING TO PUBLIC EMPLOYEES

MONDAY, FEBRUARY 13, 2023

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Donna Daum and I am a charter school teacher at Alakai O Kauai Charter School and I **support SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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.

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SB-718

Submitted on: 2/12/2023 12:53:09 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Shanna Arthur | Individual | Support | Written Testimony Only |

Comments:

My name is Shanna Arthur and I am a charter school teacher at Kua O Ka Lā and I **support SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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.

SB-718

Submitted on: 2/12/2023 1:08:34 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|---------------------|--------------------|------------------------|
| Erin Noel | Testifying for HSTA | Support | Written Testimony Only |

Comments:

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Erin Noel and I am a charter school teacher on Kauai and I **support SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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. Without your support the state and charter schools would be in jeopardy of losing more Highly Qualified Teachers.

Erin Noel

LATE

SB-718

Submitted on: 2/12/2023 3:21:28 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| jackie | Individual | Support | Written Testimony Only |

Comments:

My name is Jackie Provance and I am a charter school teacher at Kihei Charter HS and I **support SB 718**, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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 Kihei charter school, 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 Charter Public School teachers and are currently advising us with regards to 10 year bonus pay and salary compression and we are proud to be a part of HSTA.**

Mahalo,

Jackie Provance

LATE

SB-718

Submitted on: 2/12/2023 4:19:40 PM

Testimony for LBT on 2/13/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Uluhani Waialeale | Individual | Support | Written Testimony Only |

Comments:

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND THE
COMMITTEE ON LABOR AND TECHNOLOGY

RE: SB 718 - RELATING TO PUBLIC EMPLOYEES

MONDAY, FEBRUARY 13, 2023

Chair Kidani, Chair Moriwaki, and Members of the Committee:

My name is Uluhani Waialeale and I am a charter school teacher at Kualapu‘u Public Conversion Charter School on the island of Molokai and I support SB 718, relating to public employees. This bill clarifies teachers and other personnel of state public charter schools are members of the same collective bargaining unit 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,

Uluhani Waialeale