
A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 89-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "employer" to read as
3 follows:
4 ""Employer" or "public employer" means the governor in the
5 case of the State, the respective mayors in the case of the
6 counties, the chief justice of the supreme court in the case of
7 the judiciary, the board of education in the case of the
8 department of education, the local school boards in the case of
9 new century charter schools, the board of regents in the case of
10 the University of Hawaii, the Hawaii health systems corporation
11 board in the case of the Hawaii health systems corporation, and
12 any individual who represents one of these employers or acts in
13 their interest in dealing with public employees. In the case of
14 the judiciary, the administrative director of the courts shall
15 be the employer in lieu of the chief justice for purposes which
16 the chief justice determines would be prudent or necessary to
17 avoid conflict."



1 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) For the purpose of negotiating a collective
4 bargaining agreement, the public employer of an appropriate
5 bargaining unit shall mean the governor together with the
6 following employers:

7 (1) For bargaining units (1), (2), (3), (4), (9), (10),
8 and (13), the governor shall have six votes and the
9 mayors, the chief justice, and the Hawaii health
10 systems corporation board shall each have one vote if
11 they have employees in the particular bargaining unit;

12 (2) For bargaining units (11) and (12), the governor shall
13 have four votes and the mayors shall each have one
14 vote;

15 (3) For bargaining units (5) and (6), the governor shall
16 have three votes, the board of education shall have
17 two votes, and the superintendent of education shall
18 have one vote; provided that with regard to the
19 negotiation of collective bargaining agreements for
20 new century charter schools, the governor shall have
21 two votes, the superintendent of education shall have

1 one vote, and the executive director of the charter
2 school administration office shall have one vote;

3 (4) For bargaining units (7) and (8), the governor shall
4 have three votes, the board of regents of the
5 University of Hawaii shall have two votes, and the
6 president of the University of Hawaii shall have one
7 vote.

8 Any decision to be reached by the applicable employer group
9 shall be on the basis of simple majority, except when a
10 bargaining unit includes county employees from more than one
11 county. In such case, the simple majority shall include at
12 least one county."

13 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
14 amended by amending subsection (g) to read as follows:

15 "(g) The following individuals shall not be included in
16 any appropriate bargaining unit or be entitled to coverage under
17 this chapter:

- 18 (1) Elected or appointed official;
- 19 (2) Member of any board or commission; provided that
20 nothing in this paragraph shall prohibit a member of a
21 collective bargaining unit from serving on a local
22 school board of a charter school;

- 1 (3) Top-level managerial and administrative personnel,
2 including the department head, deputy or assistant to
3 a department head, administrative officer, director,
4 or chief of a state or county agency or major
5 division, and legal counsel;
- 6 (4) Secretary to top-level managerial and administrative
7 personnel under paragraph (3);
- 8 (5) Individual concerned with confidential matters
9 affecting employee-employer relations;
- 10 (6) Part-time employee working less than twenty hours per
11 week, except part-time employees included in
12 bargaining unit (5);
- 13 (7) Temporary employee of three months' duration or less;
- 14 (8) Employee of the executive office of the governor or a
15 household employee at Washington Place;
- 16 (9) Employee of the executive office of the lieutenant
17 governor;
- 18 (10) Employee of the executive office of the mayor;
- 19 (11) Staff of the legislative branch of the State;
- 20 (12) Staff of the legislative branches of the counties,
21 except employees of the clerks' offices of the
22 counties;



1 (13) Any commissioned and enlisted personnel of the Hawaii
2 national guard;

3 (14) Inmate, kokua, patient, ward, or student of a state
4 institution;

5 (15) Student help;

6 (16) Staff of the Hawaii labor relations board;

7 (17) Employee of the Hawaii national guard youth challenge
8 academy; or

9 (18) Employees of the office of elections."

10 SECTION 4. Section 302A-1184, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Civil service employees of department of education
13 schools shall retain their civil service status upon the
14 conversion of their school to a new century conversion charter
15 school. Positions in a new century conversion charter school
16 that would be civil service in a department of education public
17 school shall be civil service positions and subject to chapter
18 76. For the purpose of transfer rights under chapter 76 and
19 negotiated under chapter 89, employees of conversion charter
20 schools shall have the same rights as civil service employees of
21 the department of education. An employee with civil service
22 status at a new century conversion charter school who transfers



1 or is promoted to another civil service position shall be
2 entitled to all of the rights, privileges, and benefits of
3 continuous, uninterrupted civil service."

4 SECTION 5. Section 302A-607, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§302A-607[+] **Probationary period of employment.** (a)

7 All teachers, principals, and vice-principals entering the
8 service of the department for the first time shall serve as
9 probationary employees of the department, except as provided for
10 in subsection (c), for a minimum period of two consecutive
11 years; provided that:

12 (1) The consecutive employment may be interrupted by
13 maternity leave, sick leave, or any other leave
14 approved by the department not exceeding a period of
15 three years; by military leave not exceeding a period
16 of five years; or by termination or nonrenewal of the
17 probationary employment contract because of decrease
18 in the number of pupils or for causes over which the
19 department has no control, the period between
20 employment not to exceed five years, without loss of
21 credit for the period of probationary employment; and



1 (2) At or prior to the end of two years of probation, the
2 department may extend the probationary period of a
3 teacher, principal, or vice-principal for additional
4 periods not to exceed a total of five years.

5 (b) Any full-time intern teaching period served in the
6 State shall be credited toward fulfillment of the probationary
7 period. Any annual contract with any teacher, principal, or
8 vice-principal during this probationary period of employment may
9 or may not be renewed as the department shall determine. The
10 department, during the probationary period, may discharge or
11 demote a teacher, principal, or vice-principal.

12 (c) If a teacher from a new century charter school who:

13 (1) Possesses the minimum period of two consecutive years
14 of service;

15 (2) Was subject to an employment interruption identical to
16 the terms of subsection (a)(2), but who has
17 successfully completed a total of two years of service
18 as a teacher at a new century charter school; or

19 (3) Was not placed on an extended probationary period
20 identical to the terms of subsection (a)(2); and
21 transfers to a public school, the teacher's tenure shall be
22 recognized and the teacher shall not be considered a new



1 teacher, principal, or vice-principal of the department of
 2 education and subject to the probationary requirements of
 3 subsection (a); provided that the employee being transferred is
 4 licensed to teach in Hawaii."

5 SECTION 6. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect upon its approval.
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Report Title:

Charter Schools; Employee Rights; Collective Bargaining

Description:

Designates local school boards as an employer for collective bargaining purposes and allows the executive director of the charter school administrative office to negotiate union agreements. Allows certain charter school employees to have the same transfer, tenure and promotion rights as civil service employees.

