

Honolulu, Hawaii

Feb 10, 2006

RE: H.B. No. 2237

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2237 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT,"

begs leave to report as follows:

The purpose of this bill is to assist substitute teachers of the Department of Education (DOE) by:

- (1) Establishing a separate collective bargaining unit for substitute teachers, including part-time substitute teachers working less than one-half of a full-time equivalent position; and
- (2) Providing for impasse resolution for members of the new collective bargaining unit.

The Hawaii State Teachers Association (HSTA) testified in support of the intent of this measure. DOE and the Hawaii Government Employees Association opposed this measure. The Department of Human Resources Development and Office of Collective Bargaining offered comments.

Substitute teachers provide a valuable service to the State's educational system. However, these individuals are currently without any form of representation within the public school system. It has been brought to the attention of your Committee



that substitute teachers are at times treated differently by school administrators and their peers depending upon the situation at the public school to which the substitute is assigned. Substitute teachers were also recently forced to file a class action lawsuit to recover back pay from DOE.

Your Committee finds that these problems may have been avoided if substitute teachers had proper representation through a collective bargaining unit. The creation of such a unit for substitute teachers would allow for fair and equal representation and give them the ability to collectively bargain for better working conditions.

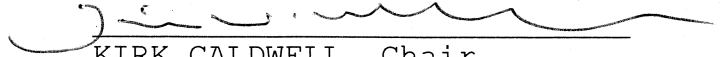
However, your Committee is also cognizant of the fact that many individuals work for DOE, as well as other departments, on a part-time basis and that allowing part-time substitute teachers the benefits of collective bargaining may be unfair to other part-time employees of the State. Your Committee also recognizes the concerns raised by HSTA regarding the inclusion of retirees who are hired as substitute teachers in this new collective bargaining unit. Accordingly, your Committee has amended this measure by:

- (1) Excluding from the new collective bargaining unit:
  - (A) Retirees of DOE who are hired as substitute teachers; and
  - (B) Part-time substitute teachers working less than one-half of a full-time equivalent position;
- (2) Expanding the scope of the new collective bargaining unit to include all part-time employees working more than 20 hours a week who are not members of a collective bargaining unit; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2237, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2237, H.D. 1, and be referred to the Committee on Education.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,

  
KIRK CALDWELL, Chair



