

STAND. COM. REP. NO.

2142

Honolulu, Hawaii

FEB 08 2008

RE: S.B. No. 2652
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Education and Judiciary and Labor, to which was referred S.B. No. 2652 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

beg leave to report as follows:

The purpose of this measure is to provide for periodic wage adjustments for substitute teachers of the Department of Education that are comparable to the wage adjustments negotiated for teachers in bargaining unit 5.

Testimony in support of the measure was submitted by the Department of Education and Alston Hunt Floyd & Ing, the attorneys for the substitute teachers in Garner v. Department of Education (Civil No. 03-1-000305) and Klitternick v. Hamamoto (Civil No. 05-1-0031-01).

Your Committees find that substitute teachers play an important role in supplementing our teacher workforce in the public school system. However, public school substitute teachers have been at odds with the Department of Education with continued litigation pending in the appellate court. In an attempt to address the pending litigation and related issues, the Legislature passed Act 70, Session Laws of Hawaii 2005, which provided an interim pay rate of no less than \$119.80 per day pending resolution of the litigation. Additionally, the Legislature increased the interim pay rate to no less than \$125.00 per day, pursuant to Act 263, Session Laws of Hawaii 2006. In 2007, teachers who are part of bargaining unit 5 received a pay

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increase; however, no corresponding increase was afforded to substitute teachers. This measure reflects the Legislature's intent that substitute teachers receive comparable benefits to their bargaining unit 5 counterparts, without the need to return to the Legislature for relief each session.

Based upon testimony provided on this and a related measure, Senate Bill No. 2658, your Committees believe that further clarification is necessary to ensure that its intent that wage adjustments for bargaining unit 5 teachers are tied to those of substitute teachers is followed. The Department of Education also provided information on the estimated cost associated with this measure, which your Committees believe should be reflected therein.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying language that wage adjustments for substitute teachers should be comparable across the board with wage adjustments negotiated for bargaining unit 5 teachers;
- (2) Specifying that the adjustment of hours, benefits, and other terms and conditions of employment for substitute teachers shall be subject to approval, pursuant to section 89C-5, Hawaii Revised Statutes;
- (3) Including an appropriation of \$2,000,000 for the wage adjustments for substitute teachers; and
- (4) Making technical, nonsubstantive changes for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Education and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2652, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2652, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Education and
Judiciary and Labor,


BRIAN T. TANIGUCHI, Chair


NORMAN SAKAMOTO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB 2652	Committee Referral: EDU/JDL, WAM	Date: 2-1-08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
TOKUDA, Jill N. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
GABBARD, Mike	✓			
HEE, Clayton				✓
NISHIHARA, Clarence K.				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam	✓			
TOTAL	5			3

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2652	Committee Referral: EDU/JDL, WAM	Date: 2/1/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam	/			
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Russell Kolt*

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