

LINDA LINGLE
GOVERNOR

MARIE C LADERTA
CHIEF NEGOTIATOR

HAROLD DeCOSTA
DEPUTY CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813

March 17, 2008

TESTIMONY to be PRESENTED to the
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
For Hearing on Tuesday, March 18, 2008
9:15 A.M., Conference Room 309

By

MARIE C. LADERTA
CHIEF NEGOTIATOR

on

Senate Bill No. 2493
Making An Appropriation for Collective Bargaining Cost Items

CHAIR SONSON AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR & PUBLIC
EMPLOYMENT:

The purpose of S. B. No. 2493 is to provide appropriations for fiscal biennium 2008 to 2009 to fund collective bargaining cost items contained in agreement negotiated with the exclusive bargaining representative for collective bargaining unit (5).

This measure is unnecessary as this issue has already been addressed in HB No.1568, S.D.1, C.D.1, which was passed as Act 132, SLH 2007.

The Employers believe we did meet all of the funding requirements for BU 05 imposed by Chapter 89, HRS, during the 2007 Legislative Session.

The Statute referenced by HSTA in regard to longevity increases is §302A-626, HRS. This provision was previously §297-34, HRS which was initially passed in 1962 and later amended in 1965. This provided longevity wage increases to teachers prior to the advent of collective bargaining. The creation of chapter 89, HRS concerning public sector bargaining changed the manner in how employees received longevity increases.

Act 164, Session Laws of Hawaii enacted in 1975 amended §89-9(d) and specified that “Effective July 1, 1976 an employee shall not be entitled to his normal annual increment or longevity increase, as the case may be, in any fiscal year that an increase in the applicable salary or wage board schedule is effected...”

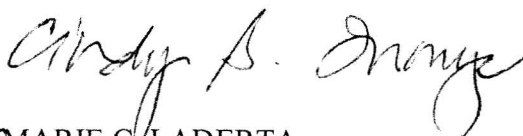
§89-9(d) was later amended to specify that “movement between steps within the salary range shall be negotiable.” Also §89-9(a) specified that the parties “shall negotiate in good faith with respect to wages, hours, the number of incremental and longevity steps and movement between the steps within the salary range...”

Today §89-2, HRS defines “collective bargaining” and further defines “wages” as including the number of incremental and longevity steps, the number of pay ranges and the movement between the steps within the pay range and between the pay ranges on a pay schedule under a collective bargaining agreement.

Since 1976, all step movements have been negotiated. The history of BU 5 negotiations is attached and clearly reflects this. Furthermore, §89-10(b) requires that “The **employer** shall submit **within ten days of the date on which the agreement is ratified** by the employees concerned **all cost items contained therein** to the appropriate legislative bodies...” (emphasis added.) The employer fulfilled this requirement last year by timely submitting to the legislature all cost items that were negotiated for the July 1, 2007 - June 30, 2009 contract period, which included a single step movement. The legislature appropriated funding for those cost items under Act 132, SLH 2007. Inasmuch as no additional step movements have been negotiated, no additional step movements need to be funded this fiscal year.

To the extent that §302A-626 has created confusion or ambiguity we suggest that the section be repealed outright.

Respectfully Submitted,


for MARIE C. LADERTA

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
SENATE BILL NO. 2493

March 18, 2008

MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS

The purpose of Senate Bill No. 2493 is to provide appropriations for FY 09 to fund collective bargaining cost items contained in the agreement negotiated with the exclusive bargaining representative for collective bargaining unit (5).

This measure is unnecessary as \$43.9 million for FY 08 and \$75.5 million for FY 09 has already been appropriated by House Bill No. 1568, S.D. 1, C.D. 1, which was passed as Act 132, SLH 2007.

The annual incremental step movements referred to in the Hawaii State Teachers Association testimony to the Senate Committee on Judiciary and Labor on February 5, 2008, are optional since they are subject to funding. This provision is not new to the current contract and implementing the funding of this provision was not included as part of the package agreed to during the negotiations already concluded for Fiscal Biennium 2008-09. A single step movement was included for the second semester of the 2007-08 school year, which has already been funded under Act 132, SLH 2007.

Date of Hearing: March 18, 2008

Committee: House Labor and Public
Employment

Department: Education

Person Testifying: Patricia Hamamoto, Superintendent

Title: S.B. 2493 (SSCR2694), Making an appropriation for collective bargaining cost items

Purpose: To provide fund authorizations and appropriations for salary increases for unit 5 employees for fiscal year 2008-2009.

Department's Position: The Department of Education opposes S.B. 2493 (SSCR2694), which appropriates unidentified sums in fiscal year 2009 to fund collective bargaining cost items contained in the agreement negotiated with the exclusive bargaining representative for collective bargaining unit (5). This measure is unnecessary as \$43.9 million for fiscal year 2008 and \$75.5 million for fiscal year 2009 have already been appropriated by Act 132, SLH 2007, to cover unit 5 collective bargaining costs.



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Mike McCartney
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TESTIMONY BEFORE THE HOUSE COMMITTEE ON
LABOR & PUBLIC EMPLOYMENT

RE: SB 2493 -- MAKING AN APPROPRIATION FOR COLLECTIVE
BARGAINING COST ITEMS

March 18, 2008

ROGER TAKABAYASHI, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Sonson and Members of the Committee:

The Hawaii State Teachers Association ***supports SB 2493*** to make an appropriation for collective bargaining cost items via our “Agreement between the Hawaii State Teachers Association and the State of Hawaii, Board of Education from July 1, 2007 to June 30, 2009.”

I am attaching a copy of our contract language which states on page 55, Section K the following:

*“The parties recognize that annual incremental step movements are a viable recruiting and retention tool. Teachers who are not at the top of the salary schedule and who have satisfactory evaluations shall move to the next highest step of the corresponding class at the beginning of each school year. **Annual incremental step movements are subject to funding.**”*

SB 2493 will support the funding HSTA needs to give members of Unit 5 (public school teachers) an incremental step movement as stated in our contract above.

Thank you for the opportunity to testify.

Attachment (2 pages)

AGREEMENT

BETWEEN THE



HAWAII STATE
TEACHERS ASSOCIATION

AND THE



STATE OF HAWAII
BOARD OF EDUCATION

JULY 1, 2007 – JUNE 30, 2009

for the duration of the Agreement.

- K. The parties recognize that annual incremental step movements are a viable recruiting and retention tool. Teachers who are not at the top of the salary schedule and who have satisfactory evaluations shall move to the next highest step of the corresponding class at the beginning of each school year. Annual incremental step movements are subject to funding.

L. Professional Development

1. Department of Education employees on initial appointments shall remain in class for two (2) semesters prior to reclassification.
2. A combination of Professional Development (PD) credits and/or academic credits approved by the Department may be used to change classification.
3. Teachers shall earn fifteen (15) PD and/or academic credits to move from one classification to the next classification. Teachers shall receive no more than one reclassification per semester and may be granted up to two (2) reclassifications per school year. The teacher shall serve one semester time-in-class per reclassification.
4. At least seven (7) of the fifteen (15) PD and/or academic credits applied for reclassification shall be related to the Standards Based Instruction aligned to the school's Strategic Plan.

Note: The following are DOE clarifications:

- These seven (7) credits may be either academic credits or professional development (PD) credits offered by the Professional Development and Educational Research Institute (PDERI).
- Academic credits earned through universities/colleges shall be applicable for reclassification if they are part of coursework requirements for a program of studies leading to an undergraduate or graduate degree, and the course content is in education (excluding education administration) and/or in the teacher's area of preparation and/or in the subject of teaching assignment.

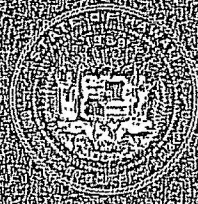
AGREEMENT

BETWEEN THE



HAWAII STATE TEACHERS ASSOCIATION

AND THE



STATE OF HAWAII BOARD OF EDUCATION

JULY 1, 2007 - JUNE 30, 2009

Agreement between the Hawaii State Teachers Association (HSTA) and the State of Hawaii, Board of Education, and Department of Education July 1, 2007 to and including June 30, 2009

IN WITNESS WHEREOF, the parties hereto, by their authorized representatives, have executed this Agreement this 25th day of June, 2007.

STATE OF HAWAII

By:

Eli I. Liliuokalani
Its Governor

Mimi Kadak
Its Chief Negotiator

Herald McLeske
Its Deputy Chief Negotiator

Hongue K. Koyama
Its Budget & Finance Director

Mimi Kadak
Its Dept. of Human Resources Director

Denise Matos
Its Board of Education Representative

Margaret A. Cox
Its Board of Education Representative

Patricia Wamens
Its Dept. of Education Superintendent

HAWAII STATE TEACHERS
ASSOCIATION

By:

Ram Sahabazul
Its President

James Lee
Its Chief Negotiator

Alvin K. Anderson
Its Chair, Negotiations Committee

Wynne Pak Anna
Its Teacher

Cynthia M. Maulaun
Its Teacher

Carolene Pang
Its Teacher

Barry J. Wurst
Its Teacher

Gene E. Jaram
Its Negotiations Specialist