

LATE TESTIMONY



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BEFORE THE

SENATE COMMITTEE ON EDUCATION

Senator Norman Sakamoto, Chair
Senator Jill N. Tokuda, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

SB2658 RELATING TO SUBSTITUTE TEACHERS

**TESTIMONY OF
PAUL ALSTON, ESQ.
WILLIAM M. KANEKO, ESQ.**

Attorneys for Substitute Teachers in
Garner v. Department of Education and Kliternick v. Hamamoto

Friday, February 1, 2008, 3:45 pm
State Capitol Room 225

Chair Sakamoto and Chair Taniguchi:

We represent Hawaii's substitute teachers in *Garner v. DOE* and *Kliternick v. Hamamoto*. We **STRONGLY SUPPORT** SB2658, which establishes that the interim compensation of substitute teachers shall be tied to the salary or wage increases provided to licensed class II teachers of the Department of Education, and appropriates funds for retroactive pay and per diem increases for substitute teachers.

SB2658 provides a fair and reasonable mechanism to determine substitute teacher pay. Because substitute teacher pay is set by statute, and not by a collective bargaining agreement, to adjust substitute teacher pay would require potentially annual visits to the Legislature. As a matter of efficiency, tying substitute teacher pay to class II teachers in collective bargaining unit 5 is highly appropriate.

It should be noted, however, that the rates now appearing in Haw. Rev. Stat. §302A-624(e) are only interim rates that were established to provide partial relief to substitute teachers while the pending class actions are pending. It is unclear when these cases will be resolved on appeal.

In 2007, while class II teachers received a 4% pay increase, the DOE refused to provide substitute teachers with a corresponding

American Savings
Bank Tower
18th Floor
1001 Bishop Street
Honolulu, Hawai'i 96813
Phone: (808) 524-1800
Fax: (808) 524-4591

Palani Court, Suite 104
74-5620 Palani Road
Kailua-Kona, Hawai'i
96740
Phone: (808) 326-7979
Fax: (808) 326-4779

E-mail: info@ahfi.com
www.ahfi.com

percentage increase, despite the express statement of legislative intent in Act 263 that substitutes' interim pay rates were to increase commensurate with the raises negotiated by regular teachers. The DOE's refusal to heed the guidance given in Act 263 was—and is—inexcusable. Hence, we strongly support SB2658 which also provides retroactive pay for substitute teachers for the 2007-08 school year.

Thank you for the opportunity to testify on this matter.