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SENATE COMMITTEE ON WAYS AND MEANS

RE: SB 2541, SD1 -- RELATING TO EDUCATION.

THURSDAY; FEBRUARY 23, 2012

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Ige and Members of the Committee:

The Hawaii State Teachers Association strongly opposes SB 2541, SD1, relating to education, which repeals numerous subsections of HRS §302A in order to subject the content of stated subsections, to the collective bargaining process.

While HSTA applauds efforts to strengthen labor negotiations, we feel that this bill, in contrast, rescinds legal protection for many basic rights of educational employees, more specifically, teachers. Though this measure's proponents claim that it is an attempt to prevent the State Legislature from micromanaging issues of educational policy, we contend that the proposal, instead, directly interferes with collective bargaining.

We assert this bill discriminates against teachers and educational officers, targeting them based upon professional affiliation. No pending legislation attempts to strip similar legal protections for civil servants or other public employees, even though the purpose of such protections is consonant in both cases. If educational employees covered by collective bargaining agreements are not entitled to legal protections extended to other public employees, why not repeal educators' accrued benefits, including rights to participation in the state's Employee Retirement System and Employer-Union Health Benefits Trust Fund? Because doing so would be unconstitutional, unconscionable, and like this bill, a *de facto* civil rights violation.

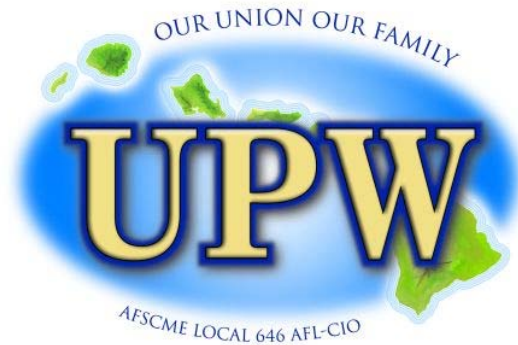
Since no one can predict who might be sitting at the negotiating table or what their stance on the importance of collective bargaining rights might be, subjecting what is currently mandated by statute to collective bargaining could politicize educational priorities and, in turn, the stability of the local teaching profession. For example, the repeal of teacher reemployment rights contained in §302A-608, particularly when coupled with the possibility of state mandated performance evaluations, could mean

that teachers will be annually rehired or fired based solely upon evaluation statistics, thereby increasing instability in the educational marketplace and jeopardizing professional development programs designed around long term goals critical for our educational workforce.

Similarly, the repeals of job sharing and authorized leaves of absence—sections §302A-610 and §302A-611, respectively—are problematic, as the former relates to a school's ability to divide positions between personnel in a manner that advances both quality of life for workers and productivity, while the latter safeguards the professional status of educators needing extended time away from work, such as time taken for medical emergencies or to care for terminally ill relatives. We hope that your committee does not believe that teachers struggling with serious medical conditions or terminal illness should subsequently have their job security put at risk at a time when they can least afford it.

Subjecting these matters to the whims of local partisan politics may have a chilling effect upon our already understaffed and overworked teaching corps, throwing the stability of Hawaii's educational system into chaos. Accordingly, we strongly urge you to stop this bill in its tracks.

Thank you for the opportunity to testify.



THE HAWAII STATE SENATE
The Twenty-Sixth Legislature
Regular Session of 2012

COMMITTEE ON WAYS AND MEANS
The Honorable Sen. David Y. Ige, Chair
The Honorable Sen. Michelle N. Kidani, Vice Chair

DATE OF HEARING: Thursday, February 23, 2012
TIME OF HEARING: 9:00 a.m.
PLACE OF HEARING: Conference Room 211

TESTIMONY ON SB 2541 SD1 RELATING TO EDUCATION

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 11,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

SB 2541 SD1 repeals various sections of chapter 302A, HRS, in order to leave employer-employee issues to be negotiated pursuant to the collective bargaining process. UPW is opposed to this measure.

Thank you for the opportunity to testify on this measure.