

SB2541

Relating to Education;
Collective Bargaining Clean
Up

EDU/JDL, WAM

Date: 02/03/2012

Committee: Senate Education
Senate Judiciary and Labor

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2541 RELATING TO EDUCATION

Purpose of Bill: Repeals various sections of chapter 302A, HRS, in order to leave employer-employee issues to be negotiated pursuant to the collective bargaining process.

Department's Position:

The Department of Education supports the bill to repeal the identified sections of the Chapter 302A, Hawaii Revised Statutes, to allow employer-employee issues to be negotiated pursuant to the collective bargaining process.



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The Twenty-Sixth Legislature, State of Hawaii
The Senate
Committee on Education
And
Committee on Judiciary and Labor
Testimony by
HGEA/AFSCME Local 152
February 03, 2012

S.B. 2541- Relating To Education

The Hawaii Government Employees Association, HGEA/AFSCME, Local 152, AFL-CIO provides the following comments regarding S.B. 2541. The purpose of this bill is to amend or repeal various sections of chapter 302A, Hawaii Revised in order to allow employer-employee issues to be negotiated pursuant to the collective bargaining process.

The HGEA strongly recommends that the legislature insert language into this bill as a new section 19 that reads:

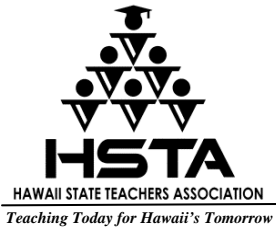
On or before July 1, 2012, any existing rule, ordinance, executive order or directive, or provision in a collective bargaining agreement that is not consistent with this Act shall be amended to assure that it includes language repealed by this Act.

Current sections 19 should be re-numbered.

Thank you for the opportunity to testify.

Respectfully submitted,

Leiomalama Desha
Deputy Executive Director



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TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION and JUDICIARY AND LABOR

RE: RELATING TO EDUCATION – SB 2541

FEBRUARY 3, 2012

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Tokuda and Members of the Committee:

The Hawaii State Teachers Association is strongly opposed to SB 2541.

This bill deletes numerous and substantive provisions of current law that provide many basic rights of educational employees.

SB 2541 claims that “employer-employee issues should be left to the collective bargaining process rather than be legislatively mandated.” However, we assert this bill is an attempt to directly interfere with collective bargaining.

Ironically, this bill contradicts its supposed intent by legislatively stripping away rights that the collective bargaining agreements may not provide for. It unfairly targets education employees, including teachers and education officers yet there are no similar bills to take away civil service rights of other public employees!

Based on the **inconsistent logic of this bill**, only education employees covered by collective bargaining would have their rights stripped away, but civil service employees who are also covered by collective bargaining would keep their rights. **This logic suggests that laws governing the Employment Retirement System (ERS) and the Employment Union Health Trust Fund (EUTF) should be repealed, since these matters are permissive subjects for collective bargaining.**

In one fell swoop, this bill reverses over 40 years of legal protections for teachers and collective bargaining. Here is a list of legal rights being stripped away SB 2541:



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- Re-employment rights for teachers.
- Authorized leaves and tenure protections.
- Job sharing program.
- Exchange teachers and educational officers with other states.
- Sabbatical leaves.
- Salary classifications, schedules, ranges, demotions, transfers.
- Additional benefits/pay for teacher leaders: grade level chairpersons, department heads, registrars and librarians.
- Additional pay considerations for coaches, and cafeteria managers.
- House-parents at the statewide center for students with hearing and visual impairments.
- Smoking cessation programs and breaks.

The Hawaii State Teachers Association is very concerned about your continued efforts to take away the rights of our teachers and other educational employees. We will continue to oppose legislation that attempts to remove the legal protections in 302A HRS and collective bargaining.

Thank you for the opportunity to testify.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR SENATE BILL 2541, RELATING TO EDUCATION

Senate Committee on Education

Hon. Jill N. Tokuda Chair

Hon. Michelle N. Kidani Vice Chair

Friday, February 3, 2012, 2:15 PM

State Capitol, Conference Room 225

Honorable Chair Tokuda and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in opposition to SB 2541, relating to education.

The IMUAlliance feels that subjecting many best practices currently mandated by statute to collective bargaining politicizes educational imperatives 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 likelihood of state mandated performance evaluations, could mean that teachers will be rehired or fired on an annual basis, based solely upon evaluation metrics, thereby increasing volatility in the educational marketplace and jeopardizing professional development programs designed around longterm goals for a stable 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 purposes 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, or made dependent upon election results.

Subjecting these best practices to the whims of local partisan politics may have a chilling effect upon our already understaffed teacher corps, throwing the stability of their profession into chaos. Mahalo for the opportunity to testify in opposition to SB 2541.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance