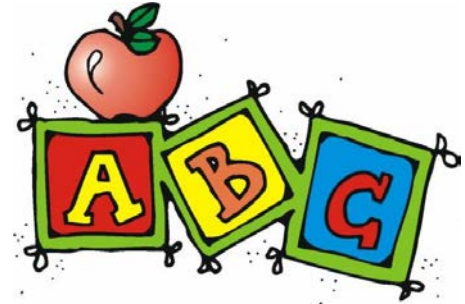


HB1971

HD2



Measure Title: RELATING TO LABOR.

Report Title: Civil Service Status; Employee Rights; Charter Schools (\$)

Description: Allows administrative, support, and instructional employees in charter schools to fully participate in the State's systems for certain employee benefits and additional supports and incentives offered by the Department of Education. Appropriates funds. Effective July 1, 2014. (HB1971 HD2)

Companion:

Package: None

Current Referral: EDU, JDL/WAM

Introducer(s): NAKASHIMA, AQUINO, AWANA, CHOY, FALE, HANOHANO, ICHIYAMA, ING, TAKAI, TAKUMI, Yamane

Date: 03/17/2014
Time: 03:00 PM
Location: Conference Room 414
Committee: Senate Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 1971,HD2(hscr891-14) RELATING TO LABOR.

Purpose of Bill: Allows administrative, support, and instructional employees in charter schools to fully participate in the State's systems for certain employee benefits and additional supports and incentives offered by the Department of Education. Appropriates funds. Effective July 1, 2014. (HB1971 HD2)

Department's Position:

The Department of Education (Department) supports HB 1971, HD2(hscr891-14). We would like to inform the Committee that the Department's previous concern with this bill is that it appeared the Department would be responsible to provide administrative support for these employee benefits for charter school employees. The Department does not have any record of these employees, which is necessary in order to be able to process the proposed employee benefits and additional supports and incentives. However, upon informal conversation with the Executive Director of the Hawaii Public Charter School Commission, it is their understanding that the Department would not have to administer these benefits. With that said, we believe concerns have been addressed. The Department takes no position on the affect of future funding needs by the charter schools that will be needed to effectuate this measure except to state the Department will not be able to cover these additional yearly costs unless appropriated in the budget.

NEIL ABERCROMBIE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
STATE PUBLIC CHARTER SCHOOL COMMISSION
(‘AHA KULA HO‘ĀMANA)

<http://CharterCommission.Hawaii.Gov>
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813
Tel: 586-3775 Fax: 586-3776

FOR: HB1971 HD2 Relating to Labor
DATE: Monday, March 17, 2014
TIME: 3:00 p.m.
COMMITTEE: Senate Committee on Education
ROOM: Conference Room 414
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Testimony in support

Chair Tokuda, Vice Chair Kidani, and members of the Committee:

The State Public Charter School Commission is pleased to offer this testimony in support of House Bill 1971 HD2, Relating to Labor. This measure would amend HRS § 302D-26 to provide that the State shall afford charter school employees full participation in several types of employee benefits not currently listed in that provision, including supports and incentives offered Department of Education (DOE) employees pursuant to master collective bargaining agreements, in accordance with the qualification requirements for each benefit and subject to the relevant provisions of any supplemental collective bargaining agreements entered into between the charter school and its employees.

Under HRS § 302D-28, standard fringe benefits for charter school employees are funded directly by the Department of Budget and Finance (B&F), rather than being paid for out of charter school budgets. Under the statute, these benefits currently include retirement, workers' compensation, unemployment insurance, temporary disability insurance, and health benefits.

Master collective bargaining agreements are negotiated by the DOE with the exclusive representatives of all public school employees, including charter school employees, but charter school governing boards and the exclusive representatives are empowered under HRS § 302D-25 to negotiate supplemental agreements that differ from the master contracts, in order to

facilitate decentralized decision-making. The agreements are funded from state allocations to schools or the schools' other sources of revenue, except that collective bargaining increases provided for by the Legislature in collective bargaining appropriation bills are allocated by B&F to the Commission for distribution to the schools.

Our present understanding of the current status and funding relative to charter school employees of each of the benefits, supports, and incentives that the bill would add to the list of those to be provided by the State is as follows:

- **Sick leave, vacation:** As these benefits already are funded by B&F to the extent they are paid out as part of regular payroll, we are uncertain of the reason for their inclusion in the bill.
- **Leave-sharing:** State agencies currently are allowed by HRS § 78-26 to offer leave-sharing, and the 2013-2017 master agreement between the DOE and the Hawaii State Teachers Association (HSTA) now includes a new provision for the sharing of maternity and paternity leave. That contract provision currently applies only to DOE teachers, and our understanding is that extending it to all BU 5 employees and allowing for such leave-sharing among teachers in all DOE and charter schools would require resolving significant operational issues that may also entail some expense to the DOE.
- **Hard-to-staff incentives:** These were not funded in the collective bargaining appropriation for the HSTA contract, and the eight charter schools whose faculties would qualify for these incentives would be hard-pressed to provide them without the funding. We estimate the necessary appropriation for this benefit at \$316,500 in each of FY 2014 and 2015, increasing to \$633,000 in FY 2016 assuming the same number of teachers. We would recommend that the funding be provided on a school-specific basis to those schools that actually pay the incentives, rather than across the board to all charter schools as part of the charter school per-pupil funding formula under HRS § 302D-28.
- **National Board certification incentives:** At this point the Commission is aware of six teachers serving in charter schools who qualify for these incentives, which are statutorily provided for under HRS § 302A-706, rather than via collective bargaining. Two of these teachers serve in hard-to-staff charter schools, which entitles them to an additional \$5,000 per year. In addition, under proposed HB 2597 HD1, National Board certified teachers who serve in Priority or Focus schools under the State's Strive HI Performance System also would be entitled to an additional \$5,000 per year. We estimate the appropriation for this benefit would amount to about \$100,000 per year. We would recommend that this funding, too, be provided on a school-specific basis to those schools that actually pay the incentives, rather than across the board to all charter schools as part of the charter school per-pupil funding formula under HRS § 302D-28.

- **Special education teacher incentives:** We are not sure what incentives are referred to here, as the DOE generally employs the special education teachers who serve in charter schools. We assume that the recruitment and retention incentives provided for under the HSTA master agreement already are provided and funded by the DOE. However, some charter schools have indicated that they have been informed that the charter schools, and not the DOE, are expected to fund the hard-to-staff incentive pay for DOE special education teachers who serve in a charter school.
- **Bonuses for completion of probation:** Teacher bonuses for completion of teacher probation after execution of the HSTA master agreement have not yet been earned by current probationary teachers and thus have not yet been funded. Many charter schools do not provide tenure to their teachers, although some of these schools have indicated that they may nonetheless pay these bonuses.
- **Teacher licensing fees:** Payment of teacher licensing fees for tenured teachers is not effective until the 2014-2015 school year. Again, most charter school teachers are not tenured, and the DOE teacher evaluation ratings required to qualify for this benefit may not correspond to those used by the charter schools' individual teacher evaluation systems, which are not the same as the DOE's.

The Commission gratefully acknowledges the fact that the bill stipulates that the State shall afford charter school employees these additional benefits, incentives, and supports in accordance not only with the requirements for each such benefit but also in accordance with the provisions of any supplemental collective bargaining agreements entered into pursuant to HRS § 302D-25. This language would preserve the discretion of charter schools and their employees to negotiate compensation packages that differ from those under the master agreements, while hopefully ensuring that the necessary state funding is provided if in fact the school and its employees adhere to those master agreements.

The Commission respectfully requests that the Committee amend the bill to enumerate, for planning purposes, the finite list of benefits, supports, and incentives that the State shall afford to charter school employees. The current open-ended "including but not limited to" language could result in unpredictable costs to the State, unfunded mandates on charter schools, and unintended encroachments on charter school autonomy. A Section 1 of the bill revised as follows would accomplish this purpose (for purposes of this recommendation the inclusion of sick leave, vacation leave, bonuses for completion of probation, and teacher licensing fees on the list is unchanged, notwithstanding the questions noted above):

SECTION 1. Section 302D-26, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The State shall afford administrative, support, and instructional employees in charter schools full participation in the State's systems for

retirement, workers' compensation, unemployment insurance, temporary disability insurance, sick leave, vacation, leave sharing, and health benefits, as well as hard-to-staff incentives, national board certification incentives, special education teacher incentives, bonuses for completion of probation, and teacher licensing fees offered by the department, in accordance with the qualification requirements for each[.] and with the provisions of any supplemental agreements entered into pursuant to section 302D-25."

Thank you for the opportunity to provide this testimony.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

TESTIMONY BEFORE THE SENATE
COMMITTEE ON EDUCATION

Wil Okabe
President
Joan Kamila Lewis
Vice President
Colleen Pasco
Secretary-Treasurer
Alvin Nagasako
Executive Director

DATE: MONDAY, MARCH 17, 2014

RE: H.B. 1971, HD2 - RELATING TO LABOR

PERSON TESTIFYING: WIL OKABE
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chair Jill Tokuda and Members of the Committee:

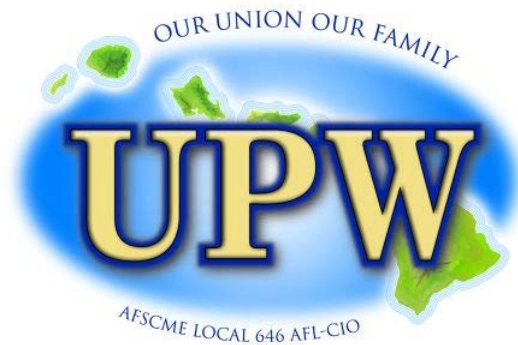
The Hawaii State Teachers Association (HSTA) strongly **supports H.B. 1971, HD2** relating to Charter School Teachers.

HSTA is the exclusive representative of more than 13,500 public and charter school teachers statewide. As the state affiliate, of the 3.2 million members of the National Education Association, HSTA believes that all bargaining unit 5 members shall be treated fairly.

HSTA believes that administrative, support, and instructional employees in charter schools should have the right to fully participate in the State's systems for certain employee benefits, additional supports and incentives offered by the Department of Education. Currently local school boards have been negotiating a lesser contract to charter schools teachers via a supplemental contract.

It is recommended that the charter school commission provide oversight and technical assistance on supplemental contracts as local school boards have offered contracts with teachers earning less than the HSTA salary schedule.

Thank you for the opportunity to testify in **support of H.B. 1971, HD2.**



THE HAWAII STATE SENATE
The Twenty-Seventh Legislature
Regular Session of 2014

COMMITTEE ON EDUCATION

The Honorable Senator Jill N. Tokuda, Chair
The Honorable Senator Michelle N. Kidani, Vice Chair

DATE OF HEARING: Monday, March 17, 2014
TIME OF HEARING: 3:00 P.M.
PLACE OF HEARING: Conference Room 414

TESTIMONY ON HB1971 HD2 RELATING TO LABOR

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

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 01 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.

The UPW supports HB1971, HD2 that allows administrative, support, and instructional employees in charter schools to fully participate in the State's systems for certain employee benefits and additional supports and incentives offered by the Department of Education.

We ask that you pass this bill

Thank you for the opportunity to testify on this measure.