

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO CHARTER SCHOOLS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that as part of the  
2 process to provide greater autonomy to charter schools, it would  
3 be beneficial to allow charter schools increased participation  
4 in the collective bargaining process. Increased participation  
5 in the collective bargaining process will provide the employees  
6 and governing boards of charter schools a greater voice in  
7 employment matters inherent to charter schools, such as costs,  
8 work conditions and hours, and employment qualifications.

9           The legislature believes that the ability to collectively  
10 bargain effectively could promote the development and success of  
11 charter schools in Hawaii. Under chapters 89 and 302D, Hawaii  
12 Revised Statutes, the exclusive representatives of the charter  
13 school employees have to either accept the conditions of the  
14 master agreements negotiated with the board of education or  
15 negotiate a memorandum of agreement supplemental to the master  
16 agreements. The legislature finds that it would be more  
17 efficient and beneficial to allow representatives of charter



1 schools to participate in the negotiation of employment terms  
2 relating to charter schools.

3 The purpose of this Act is to establish a new collective  
4 bargaining dynamic for charter schools that is separate from the  
5 collective bargaining negotiations for the department of  
6 education's non charter schools. Specifically, this Act  
7 requires, for collective bargaining on matters relating to  
8 charter schools, the public employer to consist of the governor,  
9 board of education, and representatives elected by charter  
10 school governing boards.

11 SECTION 2. Section 89-2, Hawaii Revised Statutes, is  
12 amended by adding a new definition to be appropriately inserted  
13 and to read as follows:

14 "Charter school representatives" means two people elected  
15 by a majority vote of the governing boards of the charter  
16 schools to serve as the employer for purposes of this chapter."

17 SECTION 3. Section 89-2, Hawaii Revised Statutes, is  
18 amended by amending the definition of "employer" or "public  
19 employer" to read as follows:

20 "Employer" or "public employer" means the governor in the  
21 case of the State, the respective mayors in the case of the



1 counties, the chief justice of the supreme court in the case of  
2 the judiciary, the board of education in the case of the  
3 department of education, the charter school representatives in  
4 the case of charter schools, the board of regents in the case of  
5 the University of Hawaii, the Hawaii health systems corporation  
6 board in the case of the Hawaii health systems corporation, and  
7 any individual who represents one of these employers or acts in  
8 their interest in dealing with public employees. In the case of  
9 the judiciary, the administrative director of the courts shall  
10 be the employer in lieu of the chief justice for purposes which  
11 the chief justice determines would be prudent or necessary to  
12 avoid conflict."

13 SECTION 4. Section 89-6, Hawaii Revised Statutes, is  
14 amended by amending subsection (d) to read as follows:

15 "(d) For the purpose of negotiating a collective  
16 bargaining agreement, the public employer of an appropriate  
17 bargaining unit shall mean the governor together with the  
18 following employers:

19 (1) For bargaining units (1), (2), (3), (4), (9), (10),  
20 (13), and (14), the governor shall have six votes and  
21 the mayors, the chief justice, and the Hawaii health



1 systems corporation board shall each have one vote if  
2 they have employees in the particular bargaining unit;

3 (2) For bargaining units (11) and (12), the governor shall  
4 have four votes and the mayors shall each have one  
5 vote;

6 (3) For bargaining units (5) and (6), the governor shall  
7 have three votes, the board of education shall have  
8 two votes, and the superintendent of education shall  
9 have one vote; ~~and~~

10 (4) For bargaining units (4), (5), and (6) on matters  
11 relating to charter schools, the governor shall have  
12 three votes, the board of education shall have one  
13 vote, and the two charter school representatives shall  
14 have one vote each; and

15 ~~(4)~~ (5) For bargaining units (7) and (8), the governor  
16 shall have three votes, the board of regents of the  
17 University of Hawaii shall have two votes, and the  
18 president of the University of Hawaii shall have one  
19 vote.

20 Any decision to be reached by the applicable employer group  
21 shall be on the basis of simple majority, except when a



1 bargaining unit includes county employees from more than one  
2 county. In that case, the simple majority shall include at  
3 least one county."

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Michelle Sidani  
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**Report Title:**

Charter Schools; Collective Bargaining

**Description:**

Requires collective bargaining for charter school matters to be conducted between the exclusive representatives of charter school employees as the employee and the governor, board of education, and representatives elected by charter school governing boards as the employer.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

