



**STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR**
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

February 25, 2015

**TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE**

For Hearing on Thursday, February 26, 2015
3:00 p.m., Conference Room 308

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**House Bill No. 676 H.D. 1
Relating to Collective Bargaining**

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON SYLVIA LUKE, VICE CHAIR NISHIMOTO AND MEMBERS OF THE
HOUSE COMMITTEE ON FINANCE:

Thank you for the opportunity to provide testimony on H.B. No. 676 H.D.1.

The purpose of H.B. No. 676 H.D.1 is to allow the chair of the State Public Charter School Commission to vote on collective bargaining agreements for bargaining units (5) and (6). It also requires agreements for collective bargaining unit (9) to provide three votes for the governor, two for the Hawaii Health Systems Corporation (HHSC), and one for the Chief Justice.

The Office of Collective Bargaining (OCB) **has concerns** regarding H.B. No. 676 H.D.1.

With respect to bargaining unit (9), this measure would eliminate the vote of the mayors of the counties. While counties do not currently have any employees in the

bargaining unit (9), should they establish positions in the future to be included in bargaining unit (9), elimination of the mayor's vote would deny the county the right to vote on the provisions of their employees' collective bargaining agreement. The governor, HHSC and the chief justice are already recognized as employers with voting status.

Based on the foregoing, OCB respectfully suggests that the existing voting structure for bargaining unit (9) be retained to ensure that all jurisdictions that have bargaining unit (9) employees will have a vote in the process.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/26/2015
Time: 03:00 PM
Location: 308
Committee: House Finance

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0676, HD1 RELATING TO COLLECTIVE BARGAINING.

Purpose of Bill: Allows the chair of the State Public Charter School Commission to vote on agreements for collective bargaining units (5) and (6) and amends the vote allocations for bargaining units (5) and (6) agreements. Requires agreements for collective bargaining unit (9) to provide 3 votes for the Governor, 2 for HHSC, and 1 for the Chief Justice. (HB676 HD1)

Department's Position:

The Department of Education (Department) respectfully opposes that portion of House Bill 676 HD 1 which seeks to amend subsection (d)(3) of Hawaii Revised Statute Section 89-6. The proposed amendment would provide state public charter school commission with one public employer vote in negotiations for a collective bargaining agreement for bargaining units 05 (teachers) and 06 (educational officers).

The Department opposes the identified provision because, even as amended, it would upset the deliberate balance between the Governor, the board of education (BOE) and the superintendent of education. Currently, the Governor's three votes are necessary to reach agreement for bargaining units 05 and 06, as is either the BOE's two votes or the superintendent's one vote.

The addition of a vote for state public charter school commission would create the potential for a collective bargaining agreement that is not supported by the BOE or superintendent. The result would be an agreement that is not in the best interests of the teachers and educational officers in the Department, notwithstanding that approximately 96 percent of bargaining unit 05, and 97 percent of bargaining unit 06, are the Department's employees.

For the stated reasons, the DOE respectfully requests that HB676 HD 1 be held.

DAVID IGE
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: 808-586-3775 Fax: 808-586-3776

FOR: HB676 HD1 Relating to Collective Bargaining
DATE: Thursday, February 26, 2015
TIME: 3:00 p.m.
COMMITTEE(S): House Committee on Finance
ROOM: Conference Room 308
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Luke, Vice Chair Nishimoto, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this written testimony in support of the intent of House Bill 676 HD1, “Relating to Collective Bargaining,” which would provide for the representation of charter schools by the Commission in the negotiating of the collective bargaining agreements for employees in Bargaining Units (5) and (6).

Under this bill, for purposes of negotiating these collective bargaining agreements, the “public employer” would mean the Governor, who would have four votes; the Hawaii Board of Education, with two votes; the Superintendent of the Department of Education, with one vote; and the chair of the Commission, with one vote.

The Commission supports the intent of the proposal, which recognizes the shortcomings of Hawaii’s current collective bargaining process for its public charter school employees. Under that process, master agreements negotiated between the Department of Education (DOE) and the exclusive representatives of these bargaining units apply to employees serving in charter schools as well as in DOE schools. There is no formal mechanism in that process for direct representation by public charter schools, and negotiators for employer and employee alike have acknowledged that charter schools are, at best, an afterthought in what already is an enormously complicated undertaking for the DOE schools alone.

Under Sections 302D-1 and 302-D12(e), Hawaii Revised Statutes (“HRS”), charter school governing boards are empowered to negotiate supplemental collective bargaining agreements with exclusive representatives of their employees. In theory, this allows for modifications to provisions in the master agreements that were not developed with charter school realities in mind and may not be workable in such a different context.

As a practical matter, however, the process of negotiating up to 34 supplemental agreements has proved very challenging for the exclusive representatives. As of this writing, some 18 months after the master agreement with the Hawaii State Teachers Association (“HSTA”) was finalized, only three supplemental agreements with charter schools have been executed. Because no charter school opted into the DOE’s Educator Effectiveness System, every charter school must negotiate a supplemental agreement on that issue, if on no other. The news that negotiations between DOE and HSTA over the master agreement will reopen may entail additional delay for the negotiation of the remaining charter school supplemental agreements.

Our latest understanding is that the Hawaii Public Charter Schools Network and HSTA have requested that the Legislature hold off on legislation on this issue for now while they attempt to collaborate to address the problem via other means, such as by having schools collectively negotiate a master supplement agreement with HSTA. If so, we would defer to their wishes at this time. Otherwise, we would urge this Committee to report the bill out for further consideration but would respectfully request an amendment.

While any proposal to provide for more charter school input in the collective bargaining process would be an improvement from the status quo, we believe the proposed participation by the Chairperson of the schools’ authorizing and oversight body, the Commission, is a less than ideal model. Another measure introduced this Session on this topic, House Bill 678, would have provided for separate negotiation of the collective bargaining agreements for charter school employees in by including two charter school representatives chosen by the schools’ governing boards themselves as part of the “public employer” on matters related to charter schools. We believe this would be a preferable approach.

Thank you for the opportunity to provide this testimony.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

February 26, 2015
Conference Room 308
3:00 PM.
Hawaii State Capitol

Testimony Supporting House Bill 676, HD1
Relating To Collective Bargaining.
Requires agreements for collective bargaining unit (9) to provide 3 votes for the
Governor, 2 for HHSC, and 1 for the Chief Justice.

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony in **support** of HB 676, HD1.

Bargaining unit 09 is comprised almost entirely of nurses from the HHSC facilities statewide. Being lumped together with the other bargaining units stifles their ability to focus on critical issues unique to their working environment. As such, these HHSC nurses need more equitable representation, and a stronger voice at the negotiating table. Passage of this bill would allow our nurses better control over the terms and conditions of their collective-bargaining agreements. It would allow HHSC to work more collaboratively with them in the negotiating process. The overall working relationship between HHSC and the nurses would be strengthened as would our ability to focus on key issues affecting the cost of doing business in our fast-paced and fiscally challenging environment.

Thank you for the opportunity to testify before this committee. We would respectfully recommend the Committee's support of this measure.

finance8-Melanie

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 23, 2015 4:10 PM
To: FINTestimony
Cc: ecabatu@hhsc.org
Subject: Submitted testimony for HB676 on Feb 26, 2015 15:00PM

HB676

Submitted on: 2/23/2015

Testimony for FIN on Feb 26, 2015 15:00PM in Conference Room 308

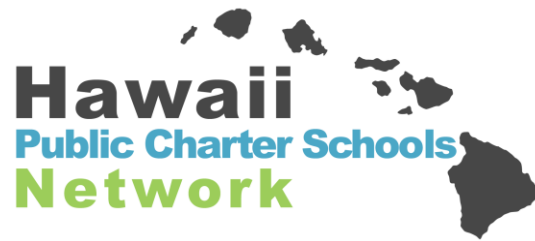
Submitted By	Organization	Testifier Position	Present at Hearing
Elena Cabatu	East Hawaii Region of Hawaii Health Systems Corporation	Support	No

Comments: Please accept this support for HB676 HD1 on behalf of the East Hawaii Region of Hawaii Health Systems Corporation.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE



State of Hawaii House of Representatives
Committee on Finance

DATE: Thursday, February 26, 2015

TIME: 3:00 p.m.

PLACE: Conference Room 308, Hawaii State Capitol

Chair Luke, Vice Chair Nishimoto, and Members of the Committee,

Re: HB676 HD1 Relating to Charter Schools

Mahalo for the opportunity to testify. The Hawaii Public Charter Schools Network (HPCSN) represents 30 of 34 charter schools in Hawaii.

Since the introduction of collective bargaining bills relating to charter schools, HPCSN has met with the Hawaii State Teachers Association and the HGEA. We had a very good dialogue about working together to accomplish what this and other bills intend to, but to attempt to achieve it within existing law.

We ask that if this bill should move forward, please consider removing the language that pertains to charter schools. HB 678, a bill specific to creating a new employer group for charter schools, would still exist for action next year if our work with HSTA and HGEA does not gain traction. HPCSN is in strong support of additional options for collective bargaining for charter schools as the existing master agreements with labor unions prove quite challenging for our charter schools to work within.

Mahalo for all you do for public education in Hawaii.

A handwritten signature in black ink, appearing to read "Lynn Finnegan". The signature is stylized and includes a long horizontal stroke extending to the right.

Lynn Finnegan
Executive Director



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
February 26, 2015

LATE

H.B. 676, H.D. 1 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the intent of H.B. 676, H.D. 1, which makes changes to the employer voting structure contained in Chapter 89-6 (d), Hawaii Revised Statutes by authorizing the chair of the Hawaii State Public Charter School Commission to vote on agreements for bargaining units 5 and 6. The measure also changes the voting structure for bargaining unit 9.

The HGEA represents the approximately 1,700 nurses in bargaining unit 9 and 1,000 educational officers in bargaining unit 6. Bargaining unit 9 nurses are employed by the Executive Branch, the Hawaii Health Systems Corporation (HHSC), and the Judiciary; there are no nurses currently employed by any of the four counties. We respectfully question the need to amend the voting structure for bargaining unit 9, as the proposed structure (three votes for the Governor, two votes for HHSC, and one vote for the Chief Justice) will theoretically require the same employer agreement as the existing voting structure. Additionally, the current structure allows for a Mayor to have a vote if their county employs someone in a bargaining unit. In the past, counties have employed nurses, and may do so again in the future, therefore it behooves the Legislature to not change the current voting structure.

The HGEA on behalf of educational officers of bargaining unit 6 collectively bargains with the Governor, Board of Education and the Superintendent. With regards to collective bargaining on behalf of our members employed with Hawaii State Public Charter Schools ("charter schools"), Chapter 89 and 302D, HRS in its current form recognizes the contextual differences and relative need for autonomy of the charter schools by including charter school employees in the master agreement that covers Department of Education employees performing the same work *and* allowing each charter school the autonomy to negotiate independently with the exclusive representative to address the needs of their particular school. We recently proposed to negotiate supplemental agreements if needed, with all 37 charter schools and are currently in negotiations with several of these schools. Changes in this measure would not benefit the charter school employees.

For the reasons outlined above, we respectfully request the Committee defer H.B. 676, H.D. 1. Thank you for the opportunity to testify in opposition to this measure.

Respectfully submitted,

Randy Perreira
Executive Director