



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

Date: 03/23/2016
Time: 02:00 PM
Location: 309
Committee: House Education

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Resolution: HCR 150 REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT AN AUDIT OF THE OFFICE OF HUMAN RESOURCES OF THE DEPARTMENT OF EDUCATION.

Purpose of Resolution:

Department's Position:

The Department of Education ("Department") respectfully submits the following comments on H.C.R. No. 150, which proposes an audit by the Office of the Auditor ("Auditor") to examine both the level of staffing necessary for the Department's investigative needs and its current investigative processes.

The Department agrees that additional investigators are needed to timely and appropriately investigate allegations of employee misconduct, whether employees are placed on leave pending investigation or remain in the workplace. Additional resources are needed in both the Department's Civil Rights Compliance Office (CRCO) and its Office of Human Resources (OHR). In recent years, the Department's budget requests for additional positions in both Offices have been unsuccessful. As an interim solution, the Superintendent authorized the establishment of temporary positions, which have helped to address the challenges. Nevertheless, the Department intends to renew its requests for additional CRCO and OHR investigator positions for consideration in the next biennium budget.

Notwithstanding the staffing challenges, the Department has made significant progress toward improving the timeliness of investigations where employees have been placed on leave. The Board of Education ("Board") exercises active oversight over the status of employees placed on leave to ensure timely completion of both the investigations and decision-making due process stages of the leaves. As of the most recent Board update on March 15, 2016, there were 37 employees on leave for this purpose out of a total number of more than 22,000 regular Department employees. There were no investigations pending for more than six months.

The Department appreciates the intent of the proposed resolution to ensure it has adequate resources to expeditiously resolve cases in which an employee has been placed on leave due to misconduct allegations. However, the Department believes that the proposed audit would not

be a prudent use of the Auditor's resources.



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 Education

Testimony by
Hawaii Government Employees Association

March 23, 2016

H.C.R. 150 – REQUESTING THE OFFICE OF THE AUDITOR
TO CONDUCT AN AUDIT OF THE OFFICE OF
HUMAN RESOURCES OF THE DEPARTMENT
OF EDUCATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports H.C.R. 150, which requests that the Office of the Auditor conduct an audit of the Department of Education Office of Human Resources to ascertain necessary staffing levels to clear the existing backlog of ongoing investigations and report its findings and recommendations to the Legislature, Governor, Board of Education, and the Department of Education no later than 20 days prior to the convening of the 2017 Regular Session. This measure also requests examination of current DOE investigation procedures and proposal of methods to shorten the amount of time required for investigations to a maximum of three months.

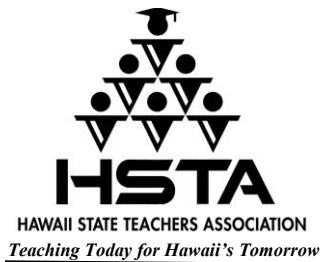
It is always unfortunate when the DOE makes a determination that an investigation into allegations made against one of its employees is necessary. It is also extremely damaging and hurtful to the specific employee(s) both financially and in his or her career; even in cases when a leave without pay is not indicated and especially when the allegations are found without substance. As such, it is extremely important that investigations, when necessary, are conducted fairly and completed expeditiously.

The requested audit is a good beginning to support the DOE in its efforts to improve the present situation. It will help in identifying necessary staffing levels and corresponding funding needs, and propose methods to improve present procedures and recommend methods to shorten the time in takes to complete the investigation process.

Thank you for the opportunity to testify in support H.C.R. 150.

Respectfully submitted,

Randy Perreira
Executive Director



Corey Rosenlee
President
Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION

RE: HCR150 - REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT
AN AUDIT OF THE OFFICE OF HUMAN RESOURCES OF THE
DEPARTMENT OF EDUCATION

WEDNESDAY, MARCH 23, 2016

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takumi and Members of the Committee:

The Hawaii State Teachers Association **supports HCR 150** requesting the office of the auditor to conduct an audit of the Office of Human Resources of the Department of Education.

In recent months, the Office of Human Resources of the Department of Education has had to decline requests by schools to investigate complaints, because it lacks adequate staffing.

HSTA continues to be concerned about the number of employee investigations impacting our members, especially the lengthy duration of time taken from notice of investigation to closure of the case. In our representation of employees under investigation, HSTA continues to find inconsistencies in procedure and process throughout the State. Some of the inconsistencies seem to stem from the variety of levels of authority and management of the investigation process.

In the last year or so, the Department of Education has worked to reduce the overall amount of investigations and the duration. However, we continue to have teachers out for many months. It is still not uncommon for teachers to be out on DDL for six (6) or more months, and at least one investigation has been open for a year. The negative impact of extensive DDL time not only affects the individual teacher, it impacts the school, the grade level or department, and the students. It is very concerning that we have classrooms filled with day to day substitutes for months at

a time during these lengthy investigations; students are being deprived of a highly qualified teacher, especially when in the end teachers are found innocent.

While excessive DDL seems to be the focus, HSTA is also concerned for teachers who are under investigation, but not on DDL. Teachers are notified there is an investigation, yet there is no sense of urgency to bring closure to the case. Allegations of misconduct of employees should be given a priority to ensure a timely and thorough investigation process. Delaying the investigation process is detrimental to all, and as time goes by it is more and more difficult to collect evidence, get witnesses to talk, and most importantly, details are forgotten and evidence may disappear. It should not take months to interview witnesses, especially if they are students who are showing up at school every day. There should not be months going by between the final witness interviews and the interview of the accused employee. There should not be months going by between the last witness interview and the report being issued. And finally, once the report is issued, the decision makers need to make it a priority to meet with the employee and notify them they are cleared of wrongdoing or provide the report and findings of misconduct and proceed with appropriate decisions.

In closing, in order for this issue to be addressed it will take efforts at every level of the department. We feel an audit of current practices will help the Department of Education assess their staffing and procedural needs in order to streamline their investigation process in a much timely manner. Also, if an employee is innocent of the allegations, then they should be cleared as quickly as possible, and their name cleared as well. If the employee is found to have engaged in misconduct then the behavior should also be dealt with in a timely and appropriate manner. It is the Association's belief that while the department seems to be improving the length of time it takes, it still should not take months and months for an investigation to be completed.

Accordingly, the Hawaii State Teachers Association asks your committee to **support** HCR150.