



The Committee on Ways and Means
Thursday, February 24, 2022, 10:00 am
Room 211, Videoconference

RE: **SB 3268 Relating to University of Hawaii Athletics**

Attention: Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran and Members of the Committee

The University of Hawaii Professional Assembly (UHPA) opposes the intent and purpose of SB 3268. UHPA stands in solidarity with HGEA, AFSCME Local 152, AFL-CIO, in opposition to legislative interference in contractual and personnel matters.

UHPA is of the opinion that the action taken by the University of Hawai'i Board of Regents on Thursday, February 17, 2022 is the prudent and proper action to begin the review of whether any constructive corrections need to be taken within the UH Athletic Department. The Committee on Academic and Student Affairs recommended and the Board of Regents (BOR) approved an independent assessment of University of Hawai'i at Mānoa Athletics Department Operations Relating to Student-Athlete Welfare and Communications.

We also question whether such proposed legislation is constitutionally and statutorily appropriate under Article X, Section 6. of the Hawaii State Constitution wherein it is clear that the BOR is constituted and operates as a board of directors versus a managerial board in that they are purely a policy making board and do not make operational decisions. In addition, by constitution it is clear that their exclusive authority to exercise control over the University is through its executive officer, the President of the University, who shall be appointed by the BOR. This is no different than how other board of directors operate in which they only select, hire, and fire the CEO. Thus, it raises the question as to whether the Board is legally structured to operate as a management board.

Based on the above, it would appear that the well advised thing to do is permit the Regents to fulfill its Constitutional authority that is already provided to them and support the direction they are moving in.

UHPA respectfully requests the committee to **defer SB 3268 indefinitely.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Fern', written over a white background.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

University of Hawaii
Professional Assembly

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HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
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The Thirty-First Legislature, State of Hawaii
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

February 23, 2022

S.B. 3268 — RELATING TO
UNIVERSITY OF HAWAII ATHLETICS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO raises strong concerns specifically relating to the section of S.B. 3268 that requires the University of Hawaii Board of Regents to approve all coaching contracts at four-year campuses for salaries greater than \$200,000 and grants the Board the authority to terminate coaches for cause.

We respectfully note that the University's Executive Policy 9.216 addresses and governs issues related to the classification and compensation of coaches. As the Exclusive Representative of head and non-head coaches at the University, we negotiate not only the master collective bargaining agreement, but also the terms and conditions of each individual coach's employment agreement. Each agreement is reviewed and approved by three parties: the coach, the Exclusive Representative, and the University Administration, and may include performance or termination clauses and metrics. As drafted, S.B. 3268 infringes on the mutually agreed upon employment agreement by inappropriately allowing the Board of Regents to unilaterally nullify a contract to which they are not a signatory. Therefore, we respectfully request the Committee's consideration in deferring action on this measure.

Thank you for the opportunity to testify with strong concerns of S.B. 3268.

Respectfully submitted,

Randy Perreira
Executive Director