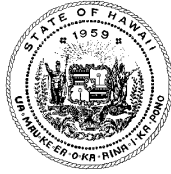


DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

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

March 23, 2015

**TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on Tuesday, March 24, 2015
9:00 a.m., Conference Room 016

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 GILBERT S.C. KEITH-AGARAN, VICE CHAIR SHIMABUKURO AND
MEMBERS OF THE HOUSE COMMITTEE ON JUDICIARY AND LABOR:

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 units (5) and (6), inclusion of the State Public Charter School Commission may in comparison with the number of public schools and

employees may be perceived as providing disproportionate voting authority. 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 re-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 structures for bargaining units (5), (6) and (9) be retained.



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

Date: 03/24/2015

Time: 09:00 AM

Location: 016

Committee: Senate Judiciary and Labor

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 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 amendment to HD1 subsection (d)(3) with respect to BU 05 and BU 06 provides the Governor with four votes, BOE with two votes, the superintendent of education with one vote and the chair of the state public charter school commission with one vote. The change in voting requirements 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: Tuesday, March 24, 2014
TIME: 9:00 a.m.
COMMITTEE(S): Senate Committee on Judiciary and Labor
ROOM: Conference Room 016
FROM: Tom Hutton, Executive Director
State Public Charter School Commission

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee:

The State Public Charter School 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, 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 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. We would defer to their wishes at this time. We also defer to concerns raised by the Department of Education and others about the appropriate overall composition of the employer representatives. However, if the Committee reports the bill out for further consideration we would respectfully request an amendment.

We believe that this bill’s proposed participation by the Chairperson of the charter schools’ authorizing and oversight body, the Commission, is not an ideal model. The negotiation of collective bargaining agreements that have major operational implications for charter schools is not a particularly appropriate role for the authorizer that is tasked with accountability for charter school performance. 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 charter 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"

Senate Committee on Judiciary and Labor
Sen. Gilbert S. C. Keith-Agaran, Chair
Sen. Maile S. L. Shimabukuro, Vice Chair

March 24, 2015
Conference Room 016
9:00 a.m.
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.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB676 on Mar 24, 2015 09:00AM*
Date: Monday, March 23, 2015 9:48:31 AM

HB676

Submitted on: 3/23/2015

Testimony for JDL on Mar 24, 2015 09:00AM in Conference Room 016

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

Comments:

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.

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