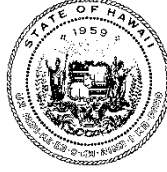


DAVID Y. IGE
GOVERNOR



CATHERINE PAYNE
CHAIRPERSON

STATE OF HAWAII
BOARD OF EDUCATION
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October 15, 2020

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Board Action on authority of Board Members authorized to represent the Board in mid-term bargaining with the Hawaii State Teachers Association (Bargaining Unit 5) and the Hawaii Government Employees Association (Bargaining Unit 6) to negotiate furloughs

I. BACKGROUND

On June 18, 2020, the Board of Education (“Board”) adopted a resolution providing the Department of Education with big picture guidance on preparing to reopen schools amid the COVID-19 global pandemic (“Reopening Resolution”).¹ Among other things, the Reopening Resolution authorized Board Member Kaimana Barcarse to represent the Board in mid-term bargaining with the Hawaii State Teachers Association (“HSTA”),² and it authorized Board Member Dwight Takeno to

¹ The Board Resolution Directing the Department of Education to Prepare for the Reopening of Schools for the 2020-2021 School Year Amid the Global Covid-19 Pandemic; Urging School Communities to Give Hope, Act with Kindness, and Work toward Togetherness; and Authorizing Board Members to Represent the Board Of Education in Mid-Term Bargaining of Collective Bargaining Agreements is available here: <http://boe.hawaii.gov/Documents/2020%20School%20Reopening%20Resolution%20%28executed%29.pdf>.

² Lines 312-316 of the Reopening Resolution provide:
“BE IT FURTHER RESOLVED that the Board authorizes Board Member Kaimana Barcarse to represent the Board in mid-term bargaining with the Hawaii State Teachers Association and to identify and negotiate any changes, exemptions, or modifications to the current Unit 5 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of this resolution[.]”

represent the Board in mid-term bargaining with the Hawaii Government Employees Association (“HGEA”).³

Subsequently, a conflict arose that prevented Board Member Takeno from continuing as the Board’s representative. Consequently, the Board authorized another Board Member to represent the Board in mid-term bargaining with HGEA. At its October 1, 2020 special meeting, the Board authorized Board Member Margaret Cox to represent the Board in mid-term bargaining with HGEA and to identify and negotiate any changes, exemptions, or modifications to the current Unit 6 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of the Board’s July 18, 2020 Reopening Resolution.

II. DISCUSSION

The State of Hawaii is facing significant revenue shortages, and Governor David Ige anticipates furloughs of state employees will be necessary to balance the State’s budget. The State needs to negotiate such furloughs with the labor unions who represent any affected state employees. Pursuant to Section 89-6, Hawaii Revised Statutes (“HRS”),⁴ the Board is part of the public employer group, along with the Governor and Superintendent, for Bargaining Unit 5,⁵ which HSTA represents, and Bargaining Unit 6,⁶ which HGEA represents.

III. RECOMMENDATION

Based on the forgoing, I am recommending that the Board expand Board Members Barcarse and Cox’s mid-term bargaining authority to allow them to negotiate furloughs.

³ Lines 318-322 of the Reopening Resolution provide:

“BE IT FURTHER RESOLVED that the Board authorizes Board Member Dwight Takeno to represent the Board in mid-term bargaining with the Hawaii Government Employees Association and to identify and negotiate any changes, exemptions, or modifications to the current Unit 6 collective bargaining agreement as deemed necessary to meet the policies, directives, and objectives of this resolution[.]”

⁴ HRS §89-6(d) states, in pertinent part, “For the purpose of negotiating a collective bargaining agreement, the public employer of an appropriate bargaining unit shall mean the governor together with the following employers: ... (3) For bargaining units (5) and (6), the governor shall have three votes, the board of education shall have two votes, and the superintendent of education shall have one vote[.]”

⁵ Pursuant to HRS §89-6(a)(5), Bargaining Unit 5 is comprised of “[t]eachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent[.]”

⁶ Pursuant to HRS §89-6(a)(6), Bargaining Unit 6 is comprised of “[e]ducational officers and other personnel of the department of education under the same pay schedule[.]”

Proposed motion: “Moved to: (1) authorize Board Member Kaimana Barcarse, in his role as the Board’s representative in mid-term bargaining with the Hawaii State Teachers Association, to identify and negotiate any changes, exemptions, or modifications to the current Unit 5 collective bargaining agreement to implement furloughs as advised by Board members in executive session; and (2) authorize Board Member Margaret Cox, in her role as the Board’s representative in mid-term bargaining with the Hawaii Government Employees Association, to identify and negotiate any changes, exemptions, or modifications to the current Unit 6 collective bargaining agreement to implement furloughs as advised by Board members in executive session.”