



**STATE OF HAWAII
BOARD OF EDUCATION**
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December 17, 2020

TO: Board of Education

FROM: Catherine Payne
Chairperson, Board of Education

AGENDA ITEM: Presentation on questions regarding Department of Education furloughs for the 2020-2021 and 2021-2022 School Years, including furlough schedule, impact on school planning and services, and communications with families and employees

I. BACKGROUND

In April 2020, Governor David Ige first proposed furloughs and pay reductions to the public employee labor unions in anticipation of significant declines in tax collections resulting from the COVID-19 pandemic.

At its October 15, 2020 general business meeting, the Board of Education (“Board”) authorized Board Members Kaimana Barcarse and Margaret Cox, in their roles as the Board’s representatives in mid-term bargaining with the Hawaii State Teachers Association and Hawaii Government Employees Association, respectively, to identify and negotiate any changes, exemptions, or modifications to the applicable collective bargaining agreements to implement furloughs as advised by Board members in executive session.

On December 9, 2020, Governor David announced the implementation of furloughs for most state employees beginning on January 1, 2021 as part of the effort to balance the state budget.¹ On December 10, 2020, Superintendent Christina Kishimoto released an internal video message to Department of Education (“Department”) employees informing them of the impending furloughs as well as a few details about the Department’s plan to implement them.²

¹ See Governor Ige’s news release here: <https://governor.hawaii.gov/newsroom/governors-office-news-release-gov-ige-announces-furloughs-for-state-employees-starting-january-1/>.

² See Superintendent Kishimoto’s video message here: https://vimeo.com/489270623/3dc22a8de1?fbclid=IwAR3AqZjASaF_LM3OIWUAi2PCLN5-tfzqpNPzAiOSYhmTyH9GfjjKOVb2hYs.

II. DISCUSSION

While Governor Ige's announcement was likely unsurprising to most, some of his statements and the subsequent reporting that followed have left the Board with a lack of clarity. The Board has been largely uninvolved in any furlough planning, and I am sure Board members have many questions. Below are just a few starting questions for discussion.

- In a press conference, Governor Ige said that the State brought all public sector unions into the furlough discussion months ago, that he has responded to their questions, and that he will continue to work with them in good faith on the implementation of furloughs. Was there an agreement regarding furloughs? Are the State and unions still engaged in labor negotiations regarding furloughs, or have they ended all further furlough negotiations?
- Is Governor Ige imposing furloughs unilaterally? If so, is he using his emergency powers or some other authority to implement furloughs unilaterally?
- A recent news article states, "Ige told reporters Wednesday that there will be additional furloughs in the University of Hawaii and Department of Education systems, but said details of those plans will be released later by UH and BOE."³ Yet in a press conference, Governor Ige told reporters that he has been working with the Department and that the Department would not be taking two furlough days a month but would be assigning the furlough days in a different way. Additionally, in a recent video released to all Department employees, Superintendent Christina Kishimoto notes that the Department is developing a furlough plan. Has Governor Ige tasked the Department with developing its own furlough plan, or is he asking the Board to develop a furlough plan for the Department? If it is the Department's responsibility to develop the furlough plan, does it need Board approval, and if so, by when? Does the Board have final approval of such a plan, or does the plan need the Governor's approval?
- In a press conference, Governor Ige told reporters that he gave the Department a personnel savings target because the academic year is different from fiscal year. What is that personnel savings target? How does the Department plan to meet this personnel savings target? Has Governor Ige given the Department any other parameters for the furlough plan? Are

³ Kevin Dayton, "Hawaii Governor To Furlough State Workers Beginning In January," *Honolulu Civil Beat*, December 9, 2020, <https://www.civilbeat.org/2020/12/hawaii-governor-to-furlough-state-workers-beginning-in-january/> (accessed December 10, 2020).

the furloughs for the rest of this fiscal year only? If not, how long should the Board and Department be planning for the furloughs to last?

- Since the Department is in the process of developing a furlough plan, will its plan furlough all Department employees? Will some employees have pay reductions without furloughs? Will the Department apply furloughs and pay reductions at the same percentage for all employees, or will those with higher salaries have larger proportional pay reductions? How will the Department's furlough plan start on January 1, 2021 like the rest of the State when it takes at least two pay periods to make payroll changes?
- Does the Board need to amend the school calendar for this year and future school years to implement furloughs or does the authority the Governor uses to unilaterally implement the furloughs negate this?
- Does the Board need to waive school days and student hours for schools pursuant to HRS 302A-251 to implement furloughs, or does the authority the Governor uses to unilaterally implement the furloughs negate this?

While the Department is unlikely to have answers to all of these questions, I hope the Board receives answers to many of these soon because of the apparently tight deadline for the implementation of furloughs. The Board may need to consider posing some of these questions to the Office of the Governor or the Board's attorney.