



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

March 4, 2021

TO: The Honorable Dwight Takeno
Chairperson, Human Resources Committee

FROM: Dr. Christina M. Kishimoto
Superintendent

A blue ink signature of Dr. Christina M. Kishimoto, written over the name in the "FROM:" field.

SUBJECT: **Committee Action on Recommendation Concerning Declaration of Annual Reduction In Force ("RIF") for Classified Employees to Initiate Collectively Bargained Placement Rights for Employees Displaced Due to Changes in Staffing Needs**

1. EXECUTIVE SUMMARY

The Department of Education (Department) requests authorization from the Board of Education (Board) to commence a Reduction in Force (RIF) for classified employees whose positions will not be funded in School Year (SY) 2021-2022 due to lack of work, need, or funds.

As part of the annual budget process, principals decide changes in funding and/or allocated personnel based on available resources for student educational needs. As a result, there are currently 103 permanent employees who may be entitled to placement rights who are currently in positions that will not be funded next school year; however, this may change due to the recent restoration of some SY 2021-2022 funds at the school level.

Affected employees who remain on the list are required to be provided at least 90-days prior written notice which will be no later than April 2, 2021. The Office of Talent Management (OTM) anticipates that many of the affected employees could be placed in other positions within the Department, including permanent, temporary, and part-time positions. The Board has authorized a RIF in each of the past eight years. The Hawaii Government Employees Association and United Public Workers have been notified about the anticipated RIF.

2. RECOMMENDATION

It is recommended that the Board authorize the Department to commence a RIF for classified employees so that the Department may initiate the collectively bargained reassignment and bumping rights processes for the affected employees.

3. RECOMMENDED EFFECTIVE DATE

Discussion to occur and action to be taken at the Board's March 4, 2021, Human Resources Committee and General Business meetings.

4. DISCUSSION

a. Conditions leading to the recommendation:

Every year, as part of the annual budget process, principals must make decisions about changes in program needs, funding, and/or allocated personnel. When the decisions result in the elimination of filled positions due to lack of work, lack of need, or lack of funds, the employees in those positions may be entitled to placement rights under the respective collective bargaining agreements. In the past eight years, the majority (99%) of employees were successfully placed into other positions, obtained positions through the regular recruitment process, or chose to resign or retire.

Before the Department can initiate the placement processes, it requires Board authorization in the form of a declaration of a RIF (sometimes referred to as "layoff"). The RIF procedures require at least 90-days prior written notice to the affected employees, which the Department intends to provide no later than April 2, 2021. Therefore, the Board's action is requested at the March 4, 2021 meeting.

There are currently a total of 103 employees, the majority of which are Educational Assistants, a small number of clerical type positions, and a few custodial positions that will be affected by the RIF declaration. However, this may change as schools were recently allowed to add back positions that were previously reduced due to the ten percent (10%) reduction imposed on the Department's budget. As such, the current list includes positions that may eventually be added back due to the school level reductions being reduced to one percent (1%). Adjustments to the list can occur prior to the start of and throughout the RIF process.

b. Previous action of the Board on the same or similar matters:

The Board authorized a RIF for each of the past eight years.

c. Other policies affected:

None.

d. Arguments in support of the recommendation:

The Department's principals have determined the staff reductions are warranted upon consideration of the needs of our students and available resources.

OTM anticipates that most of the affected employees could be placed in other positions within the Department, including permanent, temporary, and part-time positions. However, the final decision is ultimately made by each employee.

Board authorization is requested at the March 4, 2021 meeting. A delayed decision will result in additional costs to the Department to fund positions beyond July 1, 2021, to comply with the 90-day prior written notice.

e. Arguments against the recommendation:

None.

f. Other agencies or departments of the State of Hawaii involved in the action:

The Executive Office on Early Learning (EOEL), which is administratively tied to the Department, informed OTM of permanent EOEL positions identified for a reduction in the upcoming school year. These positions are also included in the total reductions provided above.

g. Possible reaction of the public, professional organizations, unions, Department staff, and/or others to the recommendations:

The Hawaii Government Employees Association and United Public Workers have been notified about the anticipated RIF. Despite the customary and annual nature of the RIF declaration, we anticipate continued communications with the unions due to the number of identified reductions as compared to prior years. As always, the Department will work collaboratively with eligible employees and their unions to find other placements within the Department.

h. Educational implications:

The educational implications were the primary consideration for the school/district/state administrators in determining the need to reduce positions.

i. Personnel implications:

The Department will follow the staff placement processes in accordance with the respective collective bargaining agreements.

j. Facilities implications:

None.

k. Financial implications:

Schools and complex areas possess the ability to redirect resources, as appropriate, to maximize student learning. Depending on legislative budget decisions, some reductions may be rescinded if funding is restored. Should this occur, affected employees will be notified in writing. The Department has a standing process of rescinding employee RIF notices.

5. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

CMK:cac