



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

March 30, 2022

Mr. Keith Hayashi  
Interim Superintendent  
Department of Education  
P.O. Box 2360  
Honolulu, HI 96804

**SUBJECT: DEMAND TO BARGAIN**

I am writing on behalf of all employees in bargaining units 2, 3, 4, 6, 9 and 13 to demand bargaining relating to matters included in bills currently advancing through the legislature, i.e., SB 2819, SB 2820, and SB 3209. The process by which these bills are moving through the legislature circumvents our constitutional right to collective bargaining, and unfairly puts the interests of one classification of employees over and above all others. If enacted into law, these bills will have a tremendous long-term impact on the DOE's budget and personnel, and collective bargaining as we know it.

All matters impacting an employee's wages, hours, and conditions of employment – including step movements and salary adjustments – are constitutionally protected mandatory subjects of collective bargaining. Although this legislation may be beneficial for employees, it is wrong for the Legislature to preemptively fund a memorandum of understanding prior to it being bargained and agreed upon. To expound on this, we contend that the counter scenario holds true: it is equally wrong for the Legislature to cut salaries and benefits without it being bargained and agreed upon. The appropriate venue to address these matters is the negotiations process that is reserved for the employer and the exclusive representative, and not via the Legislature.

We fully recognize that from top to bottom and throughout the DOE, your workforce is under compensated. The concerns raised over high vacancy rates, early retirements, and staff turnover are not exclusive to one classification or bargaining unit, rather they are systemic problems that are pervasive throughout the DOE. We agree that a competitive salary and benefits package can address the crux of these issues, and we have proffered a variety of policy solutions for the Legislature's consideration. However, it is unconstitutional for the Legislature to directly intervene in the bargaining process by increasing the wages of select professions at the direct expense of all other employees. Elevating some classifications over others will have a devastating ripple effect across government and can result in lopsided salaries where subordinates could be compensated at a higher rate than their supervisors. The possibility of the Legislature providing additional unequal funding over and above a negotiated agreement has upended and stalled good faith efforts to resolve contracts for other bargaining units and unfairly disadvantages those units that already settled their contracts. Collective bargaining offers a holistic approach that ensures fairness and considers universal impact.

Further, while this measure may temporarily entice senior teachers to remain in the profession for a few more years, it does not necessarily resolve the root issue of teacher retention since it allows for the

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possibility that senior teachers would elect to remain for three additional years to elevate their average final compensation on their pension before retiring. This is not a long-term, sustainable solution.

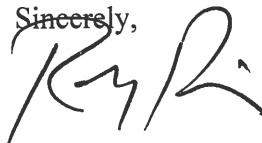
It takes a community of staff to run a school. In addition to teachers, educational officers, and educational aides, students also rely on our school food service managers, security attendants, library assistants, school health assistants, school administrative support assistants, office assistants, registered nurses, clinical and school psychologists, behavioral specialists, speech-language pathologists, social workers, athletic trainers, and so many more who are excluded from the financial benefits contained in this legislation. All DOE employees play a critical role in educational excellence. This divisive mentality of elevating some classifications over others is destructive and hampers morale.

While meritorious and rooted with good intent, we firmly insist that these important matters impacting wages must be properly bargained.

The Board of Education recently amended their legislative policy positions and adopted a policy position that addresses compensation for all school level employees and not just teachers. We implore you to adopt the same position with respect to bargaining. Like our recent demand for equity and fairness regarding COVID leave, we demand bargaining as soon as possible as these bills will directly impact the current reopener negotiations for our bargaining units.

Please accept this as a formal demand to bargain for comparable compensation, shortage differentials, and improvements in benefits and working conditions as set forth in SB 2819, SB 2820 and SB 3209. We are available to meet to commence bargaining on Friday, April 8, 2022, at 11:00 a.m. at the HGEA Office, 888 Mililani Street, Suite 401, Honolulu, Hawaii 96813.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Perreira', with a stylized flourish at the end.

Randy Perreira  
Executive Director