



EXECUTIVE CHAMBERS
HONOLULU

GOV. MSG. NO. 415

LINDA LINGLE
GOVERNOR

April 29, 2003

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Second State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith Senate Bill Number 1426 SD1, without my approval,
and with the statement of objections relating to the measure.

S.B. No. 1426 SD1

A BILL FOR AN ACT RELATING TO
COLLECTIVE BARGAINING IN PUBLIC
EMPLOYMENT

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

April 29, 2003

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1426 SD1

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1426, entitled "A Bill for an Act Relating to Collective Bargaining in Public Employment."

The reported purpose of this bill is to establish a separate collective bargaining unit for substitute teachers and to provide for impasse resolution for members of the new collective bargaining unit. Objections to this bill are as follows:

1. This bill conflicts directly and irreconcilably with existing statutes. It would require the State and the Department of Education to negotiate wages and amounts of contributions for a public employees' health benefits plan, yet the wage rate for substitute teachers already is set by statute, and casual and part-time employees who work less than half time are excluded by another statute from participating in a public employees' health benefits plan.

2. While proponents of this bill have repeatedly described it as a bill to allow substitute teachers to form a union, the Department of the Attorney General, the Department of Budget and Finance, and the Department of Education all believe that the unclear definition of collective bargaining unit 14 would also apply to casual and part-time employees in the Department of Education. Currently, there are approximately 5,179 substitute teachers and approximately 54,954 casual and

part-time employees in the Department of Education. If the goal was to include casual and part-time employees, it should have been made clearer.

3. These casual and part-time employees fall within wide and varied job classes, ranging from cafeteria helpers to grounds maintenance workers, many of whom would not have the same labor interests as would substitute teachers. If coverage of casual and part-time employees was intended, then the basis for extending bargaining rights to such workers in the Department of Education and not to such workers in other departments of state government should have been addressed.

4. The administration and grievance procedures of a bargaining unit consisting only of substitute teachers would still be problematic given the varied qualifications, status, possible work-locations, and actual time on the job among its proposed members.

5. The Department of Education presently employs part-time teachers who are excluded from Bargaining Unit 5 and are assigned to Unit 5's excluded counterpart Unit 55. These employees are paid from the same pay schedule as teachers and serve as state office and district teachers, secondary teachers, elementary teachers, and counselors. Senate Bill No. 1426 would appear to reassign teachers, who are excluded from Unit 5 by virtue of their part-time status, to the new unit 14. This would cause them to lose existing benefits that are tied to Unit 5.

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For the foregoing reasons, I am returning Senate Bill
No. 1426 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

