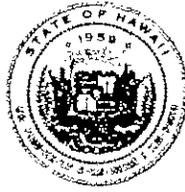


TESTIMONY

SB 2904



LINDA LINGLE
GOVERNOR

MARIE C LADERTA
CHIEF NEGOTIATOR

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EXECUTIVE OFFICE OF THE GOVERNOR
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February 8, 2010

TESTIMONY to the
SENATE COMMITTEE ON LABOR AND
SENATE COMMITTEE ON EDUCATION AND HOUSING
For Hearing on Tuesday, February 9, 2010
2:15 p.m., Conference Room 224

By

MARIE C. LADERTA
CHIEF NEGOTIATOR

Senate Bill No. 2904
Relating to School Teachers

WRITTEN TESTIMONY ONLY

CHAIRPERSONS TAKAMINE AND SAKAMOTO AND MEMBERS OF THE
COMMITTEES:

The purpose of S.B. No. 2904 is to require mediation and binding arbitration for an impasse in collective bargaining between a public employer and bargaining unit 5, teachers and other personnel of the department of education.

The Office of Collective Bargaining is strongly opposed to the proposed amendments to Chapter 89, HRS.

First, requiring bargaining unit 5 to enter into binding arbitration when an impasse occurs will undermine negotiations by fast-tracking contract disagreements toward arbitration rather than allowing employer and union representatives to reach consensus jointly.

Second, this bill would force the parties to focus solely on cost items and divert attention from more comprehensive contract revisions in other areas. The right to strike must be maintained in order for employers and employees to take more active roles in

the collective bargaining process, rather than relying on uninformed third-party arbitrators to resolve conflicts.

Finally, labor unions historically and traditionally use their right to strike to resolve impasses in collective bargaining contract negotiations. This form of grievance expression tests the resolve of both employers and employees, and the end result fairly reflects the relative strength of each party's position. As a matter of principle, it has only been in instances where disruption of government services has a direct impact on public safety that employees are prohibited from striking; such as in the case of firefighters, police and institutional workers. It is only in these limited circumstances that the employer and the employees should allow an arbitrator or arbitration panel the extraordinary power to bypass further negotiations and impose collective bargaining terms on both parties.

We request that the Committees hold this bill and instead hear S.B. 2724, which would return the right to strike to all public employee collective bargaining units except those public employees directly related to health and safety.

Thank you for the opportunity to testify in opposition on this measure.



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TESTIMONY BEFORE THE SENATE COMMITTEES
ON LABOR AND EDUCATION & HOUSING

RE: SB 2904 – RELATING TO SCHOOL TEACHERS.

February 9, 2010

WIL OKABE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Takamine, Chair Sakamoto and Members of the Committees:

The Hawaii State Teachers Association opposes SB 2904.

During the recent contract negotiations, teachers, in good faith, exercised their constitutional right to collective bargaining, and mutually agreed to the terms of the current contract with the DOE, BOE, and the governor.

Page two, paragraph 2, of this bill states, “The purpose of this act is to bring stability back to Hawaii’s public school system by changing the collective bargaining law to allow teachers to exercise their constitutional right to organize and negotiate as a collective group while protecting the rights, needs, and dreams of Hawaii’s public school students by keeping teachers in Hawaii’s classrooms during the contract negotiation process.”

Hawaii’s public school children did not lose a day of school during the most recent negotiation process, and HSTA never once threatened a strike during negotiations for the 2009 contract. Furloughs, which have become very controversial, were the result of the signed and completed agreement, and it is unlikely that the impasse would have proceeded to arbitration, even if unit 5 had been subject to the provisions of this bill.

We have shared this bill with our board of directors and found little support for it. Before supporting the provisions of this bill, the HSTA would need to do a comprehensive study, including dialogue with our membership. Such an analysis cannot be completed effectively during this legislative session. **HSTA urges this committee to hold this bill so that we can fully consider its potential impact.**

Thank you for this opportunity to testify.