



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

May 12, 2021

The Honorable David Y. Ige  
Governor, State of Hawaii  
Executive Chambers, State Capitol  
Honolulu, HI 96813

Dear Governor Ige:

On behalf of more than 7,350 employees in the Department of Education that the Hawaii Government Employees Association proudly represents, I am writing to respectfully request your veto of H.B. 613, C.D. 2.

On the last day of the 2021 Legislative Session, without providing an opportunity for public review and comment, the Legislature passed H.B. 613, C.D. 2, which would give every full-time and part-time public-school teacher a one-time \$2,200 “bonus” payment at a total cost of \$29.7 million. H.B. 613, C.D. 2 directs the Hawaii State Department of Education to expend federal pandemic relief funds on a variety of programs and projects, including the bonus for “educator workforce stabilization.” This legislation is violative of the collective bargaining process that has been in place in our state for 50 years.

We believe that H.B. 613, C.D. 2 violates Article XIII, Section 2 of the Hawai’i Constitution and Chapter 89 of the Hawaii Revised Statutes because the \$2,200 bonus payments were not attained through the collective bargaining process. Changes to wages, hours and other conditions of work must be negotiated by the Union and the Employer prior to implementation. That did not happen here.

In United Public Workers, AFSCME, Local 646 v. Yogi, 101 Hawai’i 46, 62 P.3d 189 (2002), the Hawaii Supreme Court found that Section 2 of Act 100 (1999), which prohibited public employees and public employee unions from collectively bargaining over cost items for the 1999-2001 biennium, violated the rights of public employees under Article XIII, Section 2 of the Hawai’i Constitution. The Court recognized that while the legislature has broad discretion in setting the parameters for collective bargaining, it cannot impinge upon the constitutional rights of public employees to organize for the purpose of collective bargaining and to negotiate core subjects of collective bargaining, i.e., wages, hours, and other conditions of employment. This action by the Legislature clearly oversteps as it interferes with the right and responsibility of the public employer(s) to negotiate compensation with the exclusive representative(s).

The saying, ‘it takes a village’ could not be a more accurate or appropriate statement to describe student success. With distance learning, it is now more apparent than ever that success hinges on an entire community: educators – including SPED and classroom assistants, principals, counselors, librarians, specialists, support staff, custodians, food service employees, parents, and more, working together. It is unconscionable that the Legislature disregarded collective bargaining and granted this generous cash bonus to one group of employees while making significant departmental

Governor David Y. Ige

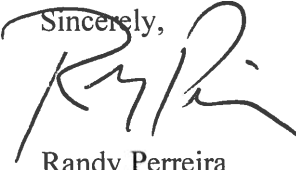
May 12, 2021

Page 2

cuts elsewhere, like in higher education, which will likely lead to layoffs for others. Beyond any legal analysis this legislation is patently unfair as it rewards one segment of our education community while disregarding the contributions of others who educate our students. At a time when our state should be coming together in a unified effort to defeat the COVID-19 pandemic, this divisive legislation sets us back immeasurably.

For these reasons, HGEA respectfully requests that you veto H.B. 613 C.D. 2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Perreira', written in a cursive style.

Randy Perreira  
Executive Director