



GRIEVANCE FORM

STEP
1
2

Instructions for Employee: Complete this form. Retain one (1) copy (goldenrod) and submit two (2) copies to Association and three (3) to the appropriate supervisor.

TO: Keith Hayashi Superintendent State of Hawaii
(Appropriate Supervisor) Position/School/Office (District)

FROM: HSTA Exclusive Representative All Worksites
(Name of Grievant) Position School/Office

In accordance with Article V, Grievance Procedure of the Agreement between the State of Hawaii Board of Education and the Hawaii State Teachers Association, a formal grievance is hereby submitted:

STATEMENT OF GRIEVANCE:

Date alleged violation first became known or date(s) of subsequent alleged violation(s): August 13, 2021

- Nature of grievance (Briefly state pertinent facts):
The Department of Education ("DOE") directed all employees to be tested every week for COVID-19 or provide proof of COVID-19 vaccination by August 30, 2021, without impact bargaining over the implementation of this new directive. As a result of this new directive, employees who are unvaccinated have been required to undergo a medical examination to show that they are negative for COVID-19 at their own expense. The DOE's actions violate the HSTA Collective Bargaining Agreement
- Specific term or provision of the Agreement allegedly violated:
Article I - Recognition
Article II - Non-Discrimination
Article IV - Association Rights
Article VI - Teaching Conditions and Hours
Article VII - Assignments and Transfers
Article XII - Leaves
Article XVI - Work Year
Article XVII - 12-Month Teacher Compensation and Sick/Vacation Accumulation
Article XVIII - Multi-Track Year-Round Schools
Article XXIV - Miscellaneous
Article XXV - Maintenance of Benefits
Article XXVII - Entirety Clause
- Complete this section if grievance is filed at Step 2. Specific portion of the prior decision being appealed.
Per Article V, H. Step 2, the grievance involves teachers from more than one school.

(Signature of Grievant) 9/3/2021 _____ _____
(Date Filed) (Receiving Party's Intials) (Date Rec'd)

(Signature of Association Grievance Rep/Assoc. Field Representative, if applicable)

O-22-05 STEP 2
HAWAII STATE TEACHERS ASSOCIATION
ALL WORKSITES
PAGE 2 OF 2

REMEDY SOUGHT:

1. Require the Employer to properly consult and meaningfully bargain with the Union prior to the implementation of any directive, policy or mandate, including the Attestation of COVID-19 testing or Vaccination program;
2. Refrain from any and all retaliatory action against the grievants for filing this grievance;
3. Provide the weekly COVID-19 tests for employees free of charge;
4. Make grievants whole, to include but not limited to, any compensation or leave lost or out of pocket expenses incurred as a result of or related to the Employer's directive, policy or mandate.