



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

September 30, 2021

Cert Mail No. 7014 2870 0001 0904 5091
Return Receipt Requested

Ms. Andrea Eshelman
Deputy Executive Director
Hawaii State Teachers Association
1200 Ala Kapuna Street
Honolulu, Hawaii 96819

RE: Hawaii State Teachers Association Step 2 Class Grievances, COVID-19 Attestation
Testing or Vaccine Program, #O-22-05 and Impacts of COVID-19 Response,
#O-22-04

Dear Ms. Eshelman,

We are in receipt of the above referenced grievances dated September 3, 2021, sent to Interim Superintendent Keith Hayashi. Please be advised that the Governor's Emergency Proclamation dated August 5, 2021, suspended the following provisions of law, but only as explicitly set forth below and as allowed by federal law, pursuant to section 127 A-13(a)(3): HRS section 89-9, scope of negotiations; consultation, section 89-10(d), written agreements; enforceability; cost items, and section 89-13, prohibited practices, evidence of bad faith, to the extent necessary to allow State and county departments, agencies, and other public entities to implement policies, practice, procedures, and to take other actions necessary to mitigate risks posed by COVID-19 and its variants, including but not limited to, imposition of requirements pertaining to or requiring employee testing. This suspension ensures government can provide essential services safely and is necessary for the execution of emergency functions. As such, we are taking no further action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Brandon W. Lee".

Brandon W. Lee
Labor Relations Administrator

BWL:jd

c: Keith Hayashi, Interim Superintendent
Phyllis Unebasami, Deputy Superintendent
Sean Bacon, Interim Assistant Superintendent, Office of Talent Management (OTM)
Jarnett Lono, Director, Employee Relations Branch, OTM