



1200 Ala Kapuna Street • Honolulu, Hawaii 96819
Tel: (808) 833-2711 • Fax: (808) 839-7106 • Web: www.hsta.org

August 30, 2024

Via Email

Mr. Keith Hayashi
Superintendent
Hawai'i State Department of Education
keith.hayashi@k12.hi.us

Osa Tui, Jr.
President
Logan Okita
Vice President
Cheney Kaku
Secretary-Treasurer
Ann Mahi
Executive Director

Re: Paycheck Delay for New and Returning Bargaining Unit 05 Teachers, Request for Informal Meeting and Information

Superintendent Hayashi:

Late in the afternoon of August 20, 2024, the Hawai'i State Teachers Association (HSTA) began to receive phone calls from teachers who were alarmed to learn that they had not received a paycheck. HSTA promptly contacted the Hawai'i Department of Education (HIDOE) requesting information from the Office of Talent Management (OTM) Labor Relations Branch, which reported no knowledge of problems with payroll. Two days after our inquiry, on August 22, HIDOE Personnel Director Ainoa Naniole contacted HSTA with an update that the HIDOE had identified 377 affected Bargaining Unit 05 (BU05) employees who had not received pay on August 20, seventy-five (75) of whom were slated to also miss the September 5 paycheck. Director Naniole also reported the HIDOE would be offering checks for \$2,000 to affected employees.

On August 22, HSTA followed up with a written request for information, asking for a list of affected teachers, a copy of the e-blast message(s) planned for teachers, and clarification on the \$2,000 promissory note process. We also sought clarification on the cause of the paycheck delay as BU05 employees who reached OTM were provided a variety of excuses for the lack of payment. To date, employees and the HSTA have yet to receive a full explanation as to why paychecks are delayed. More importantly, employees have been told that the HIDOE knew of the error as early as August 15. Thus, while HSTA can appreciate the HIDOE's attempt to address the situation with checks on August 27, we now know that teachers have been financially harmed by the HIDOE's failure to promptly alert HSTA as the exclusive representative and affected employees.

Therefore, HSTA requests an informal grievance meeting with you to address contractual violations within the next week. In addition, since August 27, HSTA has had repeated conversations with HIDOE OTM staff, all of whom have been unwilling to provide HSTA as the exclusive representative a list of names, preventing our ability to contact affected BU05 employees and address their individual and collective needs.

I subsequently learned from HSTA President Osa Tui, of your request that HSTA provide an additional written request for the list of affected teachers. I also understand that HIDOE may believe they are not obligated or required to provide a list of employees affected by the paycheck delay. The HSTA reminds the HIDOE of HSTA's legal obligation to represent employees of BU05 regardless of their membership status and the employer's obligation to furnish such information pursuant to Hawai'i Revised Statutes (HRS) §89-8, which states in part:

§89-8 Recognition and representation; employee participation. (a) *The employee organization which has been certified by the board as representing the majority of employees in an appropriate bargaining unit shall be the exclusive representative of all employees in the unit. As exclusive representative, it shall have the right to act for and negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.*

Therefore, pursuant to HRS §89-9 and Article IV - Association Rights of the HSTA Collective Bargaining Agreement between HSTA and HDOE, which states in part: "...the Employer will furnish such other information in its possession, in response to reasonable requests by the Association which will assist the Association in effectively representing the teacher in the collective bargaining process and in the processing of grievances," HSTA requests the following information:

- (1) A comprehensive list of BU05 employees affected by the paycheck delay, including their first and last name, employee ID, current mailing address, phone number, school or worksite;
- (2) The dates for which timely payment was not made or is anticipated not to be made (e.g. September 5) for each affected employee;
- (3) The date payment will be restored for impacted employees;
- (4) Details on impacts to Employee Union Trust Fund (EUTF) and Island Flex deductions;
- (5) Details and an explanation as to what caused the paycheck delay and any steps being taken by the HDOE to prevent such incidents in the future. Please provide a timeline for the implementation of corrective measures.

The HSTA looks forward to a timely response regarding the above, understanding that it does not negate the collective bargaining rights of BU05 employees to be represented by HSTA. Please contact me via e-mail at aeshelman@hsta.org or at 808-840-2233 to arrange an informal meeting.

Sincerely,



Andrea Eshelman
Deputy Executive Director

- C: Sean Bacon, Assistant Superintendent, Office of Talent Management
Brian Hallett, Assistant Superintendent and CFO, Office of Fiscal Services
Ainoa Naniole, Human Resources Director, Employee Relations
Osa Tui, President, HSTA
Ann Mahi, Executive Director, HSTA