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November 6, 2024

Sean Bacon  
Assistant Superintendent  
Office of Talent Management  
Hawai'i State Department of Education  
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*Certified Mail 7021 0950 0001 5004 3078  
Return Receipt Requested*

Dear Assistant Superintendent Bacon:

**Re: Hawai'i Labor Relations Board Case No. 23-CE-05-976, 23-CU-05-400; 23-CE-05-978, 23-CE-05-398; 23-CE-05-979, 23-CU-05-399; Decision and Order**

The Hawai'i State Teachers Association (HSTA) recently received the Findings of Fact, Conclusions of Law, Decision and Order for Hawai'i Labor Relations Board (HLRB) cases involving HSTA Bargaining Unit 05 (BU 05) employees Donna Campbell, David Reid, and Cecily Therese Best who filed various prohibitive practice complaints against both the HSTA and the Hawai'i State Department of Education (HIDOE).<sup>1</sup>

As you are aware, in the fall of 2023, the HLRB "dismissed claims against HSTA under HRS § 89-13(b)(2) and claims against DOE under HRS § 89-13(a)(5), due to lack of standing." After the January 2024 hearings on the merits, the HLRB also granted HSTA's motion for a directed verdict, in favor of HSTA, clearing HSTA of any wrongdoing.

Further, on October 25, 2024, the HLRB's decision and order found the HIDOE to have "willfully committed prohibited practices under HRS § 89-13(a)(7) by violating HRS § 89-9(f)(2) and derivative prohibited practices under HRS § 89-13(a)(1) by interfering with HRS § 89-3 rights." Accordingly, the labor board ordered the HIDOE to:

1. Cease and desist from violating the provisions of HRS § 89-9(f)(2);
2. Include Complainants' six years of verified non-BU 05 service credit in determining each of their appropriate salary adjustment (step) and retroactive pay under the repricing plan;
3. Within 60 days of this Order, DOE shall pay each of the Complainants their appropriate salary adjustment under the repricing plan retroactive to the first teacher workday of the 2022-2023 school year;
4. Within 60 days of this Order, or such time as the Board may allow for good cause shown, Complainants shall provide to the Board a request for any additional costs or fees incurred;

<sup>1</sup> HLRB Case Numbers: 23-CE-05-976, 23-CU-05-400; 23-CE-05-978, 23-CE-05-398; 23-CE-05-979, 23-CU-05-399

5. DOE must post copies of this Decision and Order for 60 consecutive days in places where notices to employees are customarily placed. In addition to physical posting of paper notices, notices must be distributed electronically, such as by posting on an intranet or an internet site or other means that DOE customarily uses to communicate with HSTA bargaining unit members; and
6. DOE shall notify the Board of the steps taken to comply with this Order within 90 days of receipt of this Decision and Order.

Therefore, based on the Board's October 25, 2024 Decision, the HSTA respectfully requests information regarding the HIDEOE's plans to remedy its ongoing violation of HRS § 89-9(f)(2). Pursuant to Article IV - Association Rights of the HSTA Collective Bargaining Agreement between HSTA and HIDEOE, HSTA requests the following:

- A. Information regarding the steps HIDEOE will take to comply with the Order, including addressing any BU 05 employee who was impacted by the HIDEOE's repricing plan and actions which "show a deliberate intent to disregard and minimize the HRS Chapter 89 rights of Complainants whose non-BU 05 service was initially acknowledged then abruptly ignored."
- B. A list of BU 05 employees who were credited with verified non-BU 05 service when they initially entered HIDEOE service and were employed in BU 05 prior to the implementation of the repricing plan, including their first and last name, initial step placement, and number of years verified non-BU 05 service credited.

The HSTA looks forward to a timely response regarding the above requests with the understanding that it does not in any way negate the collective bargaining rights of Bargaining Unit 05 employees to be represented by the HSTA. The information requested can be transmitted via email to [aeshelman@hsta.org](mailto:aeshelman@hsta.org). I can also be reached by phone at 808-840-2233.

Sincerely,



Andrea Eshelman  
Deputy Executive Director

- C: Keith T. Hayashi, Superintendent, DOE  
Deputy Superintendents, DOE  
Roy Takumi, Chair, Board of Education  
Wilbert Holck, Chief Negotiator, Office of Collective Bargaining and Managed Competition  
Osa Tui, President, HSTA