

# **Kamehameha Schools Faculty Association**

## *The NLRB has approved our petition!*

*On Monday the NLRB announced its approval of our petition to have an election. The petition was backed up by cards signed by 70% of KSBE faculty members.*

*We have prevailed on all points of the petition, and the bargaining unit has been defined as all teachers and librarians work-*

*ing more than 50%.*

*The actual election date has not been set, but will be announced within a few days. It may already have been announced by the NLRB when this newsletter is passed out.*

*In all likelihood, the election will take place in early March. Congratulations — we are now official!*

## **A Response to the Professional Assembly Initiatives of Dr. Chun**

Dr. Chun should be applauded for initiatives undertaken last week to form a professional assembly to advise and collaborate with him to formulate school policies. Even though he had no concrete plan or description of what parameters this assembly would embody, it seems that he may be ready to recognize an association of school teachers, staff and administrators which has not existed at Kamehameha since the demise of the KSA.

Although formed in May 1997, Nā Kumu O Kamehameha comprised of these same constituencies could function as an advisory group to the president. However, Nā Kumu has yet to receive official recognition from the school administration. Instead, Nā Kumu has repeatedly asked for dialogue with the administration and trustees but has received no official reply to numerous written correspondences for communications.

One response would be to question why a professional assembly is being recommended at this time, just a few weeks before a vote will be taken to form a Faculty Association recognized by the National Labor Relations Board. One has to question the ability of a professional assembly to provide protection and privileges that will come through union certification by the NLRB.

Finally, we must never give up hope that our school community will once again become a thriving, uplifting place where all people feel significant and honored. Dr. Chun is encouraged to become a forceful and courageous advocate for his faculty and we implore him to work with us. At the same time, a clear faculty majority believes that a faculty union certified by the NLRB is a necessary component to effect change. We now ask for Dr. Chun and school administrators to accept and respect the faculty's decision.

— KSFA Organizing Committee

Please attend a school-wide Nā Kumu and KSFA meeting on February 17th (Tuesday). Now that our petition has been approved, KSFA will need volunteers to prepare for the election. Please contact Jan Becket (737-9715), Holoua Stender (247-9315), or Diane Tanner-Cazinha (235-8903),

# Dr. Chun meets with the faculty

Dr. Chun met with secondary and elementary faculty in two meetings in the first week of February, and held a subsequent meeting with several interested faculty members and administrators. He made several points:

- For genuine renewal to take place, it must take place at the trustee level.
- He has been told by Dickie Wong that he is in charge of the school, although nothing has been given to him in writing.
- He is committed to a collegial process.
- Final decisions must be made by him.
- He is against any union on campus because it would be divisive, would make it difficult to deal with the rest of the non-unionized staff, and would make it more difficult to formulate policy.
- He is willing to work with a faculty union, should the faculty elect one.

Dr. Chun offered to have the faculty set up a non-union professional assembly with collaborative input in matters related to governance, operations and educational philosophy.

## Teachers respond

A number of teachers at the three meetings responded with comments that included these points:

- Nothing will prevent the administration from later disbanding a non-union professional assembly (as it disbanded KSA several years ago).
- KSA itself was formed by the administration to weaken a preexisting professional assembly made up entirely of teachers. While it existed, this organization was a forceful advocate of teacher concerns, and attempted to negotiate for them.
- Employees with a non-union professional assembly will still be “at-will,” subject to termination at any time, for any reason.
- There will still be no ironclad grievance procedure.
- The Employee Handbook will still be in place, and teachers’ free speech rights will still be curtailed.
- Specific faculty concerns have been well articulated. Dr. Chun and the KSBE administering can take some immediate, unilateral actions, including:

- an immediate letter to all faculty guaranteeing employment next year.
- the restoration of the unit 7& 8 trimester system.
- equitable teaching loads.
- reinstatement of retiree health coverage
- The faculty majority is resolutely committed to the process of unionizing that it has undertaken. This fact must be accepted and respected by administrators.

— Jan Becket

## Statement by the Nā Kumu Leaders

For the last several years, the faculty has been working under increasingly adverse conditions which negatively affect our ability to serve our students. Our employee handbook contains numerous, vague work rules which are unpredictably enforced. The most onerous of these is the curtailment of our basic rights to freedom of speech. For instance, when Nā Kumu’s leaders wrote a letter to the editor supporting the actions of a former student who had been treated abusively by Trustee Lindsey, these leaders were told that they had violated a long list of rules in the employee handbook and that they would be subject to disciplinary action including termination if they continued to speak publicly. This, combined with the recent replacement of our five-year contracts with a year-to-year hiring arrangement, adds to the faculty’s insecurity.

The current faculty perception is that nothing of fundamental import has changed at our workplace. Key players who have designed and implemented a climate of fear, disrespect and intimidation down into our school remain in place. Bob Katz and Buddy McGuire are visibly operative on campus. Consequently, there is an ever-stronger conviction throughout our group that only a union will provide a dignified and safe path forward to the kind of school community we dream of for our students.

—Kēhau Abad, Kāwika Eyre, Charlene Hoe, Gary Obrecht,

# KSFa pledges a fair election

*The Kamehameha Schools Faculty Association pledges a fair election, and asks that the administration do the same. Specifically, we ask that the administration commit to the following list of guidelines:*

- No employee will be threatened with a transfer or loss of a job or benefits because of his or her support of or opposition to a union.
- No employee will be questioned about his or her position on the election under circumstances that will tend to restrain or coerce the employee.
- No employee will be promised benefits or special treatment in order to influence his or her vote.
- No “captive audience” meetings, that employees are required to attend, will be held, unless both sides are given equal time to present their cases.
- All statements, verbal or written, made by either side will conform to the highest standards of accu-

racy, fairness and honesty.

- Employees will be encouraged by both sides to fully utilize their rights of free speech and free association.
- Employees will not be subject to any of the following potential violations of the National Labor Relations Act:
  - interrogations or coercive polls.
  - threats of reprisals, or promises of benefits.
  - soliciting of grievances and promises to resolve them.
  - surveillance or giving the impression of surveillance.
  - telling employees it would be futile to organize.
  - telling employees they will be “bargaining from scratch.”

—Based on NLRB documents

## A financial statement

We have come a long way since May, 1997. The Kamehameha Schools Faculty Association was born out of months of miscommunication, rumors, false hopes and frustration. In a short while, we will be taking a vote to decide whether we want to have KSFa act as the advocate of the faculty and to help “level the playing field.”

We now need your active support to stay the course. You can help by rereading the ideas and mana‘o that were expressed by our cohorts from early May until now. Remember why we have come to the establishment of KSFa as a viable solution. Can this hui help improve the teaching and learning conditions at Kamehameha? If we focus on what we feel is pono and the education and welfare of our students, KSFa can be an organization unlike the stereotypical view of a “union.” We have always tried to take the high road and are committed to do so in the future — working with the administration — with some insurances and basic rights.

Our consultation fees have mounted to over \$20,000 in the past few months. The pono thing to do is to try to settle these expenses as expediently as possible. Dean and his partner have graciously

offered us the opportunity to pay this cost in installments. If each of us would contribute \$100 toward the payment of this bill, we could soon retire it. Knowing that we all have different financial situations, we would appreciate any contribution you can make at this time, and certainly would welcome installments as a means to help pay our bills.

We are, indeed, charting new waters. As professionals and people who place high value on good education and character — we need not be told what to believe or how to think. As we approach the appointed day for casting our votes, we will be bombarded with the pros and cons of a union — doubts and fears will be certainly be on our minds. Remember what has happened in the past. (Can a leopard easily change its spots?) But, what of the future? Changes involves risk — for many it is treading into the unknown. Stay in port or sail and explore new horizons? E komo mai! We need your help to explore — financially, spiritually, and with your resolve.

**Please send your contribution to KSFa, P.O. Box 894163, Mililani, HI 96789.**

— Tom Chun

## What happened at the December NLRB hearing?

On December 23, 1997, KSFA filed a petition with the National Labor Relations Board. The San Francisco regional office must actually approve or reject the petition, but the Honolulu office collects information and forwards it. Since our employer wished to challenge the teachers' request to become a certified labor organization, a hearing was held on January 9 and 12-14, 1998, at the NLRB office, under the direction of Tom Cestare.

We were represented by Dean Choy of Choy and Nauyokas. The employer was represented by Robert Katz. Also present at the hearing, at different times, were Colleen Wong, attorney for Bishop Estate, Christine Chun from Katz's firm, and Buddy McGuire, labor consultant. Our witnesses were Holoua Stender, Sigrid Southworth, and Diane Tanner-Cazinha. Witnesses for the employer were Sandra Wicklein and Carol Koza of the personnel department.

Each side presented evidence and testimony

in relation to several issues. Most prominent were those that centered around the appropriateness of the defined bargaining group; the eligibility of teachers to petition because they are "managers"; the admissibility of librarians and elementary grade level chairs because of their managerial duties; and the possibility that managers who belong to Nā Kumu might be directing KSFA, thereby creating a situation that would disqualify us from organizing.

Attorneys for both sides prepared a written "closing brief", which was then submitted with a transcript of the hearing to the San Francisco office. The transcript is available at the Honolulu office—it runs some 500 pages. If you have any questions about this process or details of the hearing, see one of the witnesses above. Diane was present all four days, and has copies of the two closing briefs. Nothing is secret—just too lengthy to copy.

With the approval of our petition, we anticipate an election date in a month.

## Mid-Pacific teachers work under a negotiated contract

We have all undergone much trauma in the past year, but have also educated ourselves about employee rights that others take for granted. Nearly every teachers' association contract grants its members two fundamental benefits. Here is what the Mid-Pacific contract gives its members:

### **Just cause**

This is a legal term that distinguishes unionized employees from others, like Kamehameha faculty, who are presently "at will" employees. "At will" employees work at the pleasure of their employer, and can be terminated at any time, for any reason. The employer is not obligated to offer a reason to the employee. Mid-Pacific teachers are now working under a contract that lists specific reasons for dismissal and then specifies the process required to terminate an employee. Discharged or disciplined employees must be given the reasons for the disciplinary action in writing. Teachers are entitled to have a faculty association representative present at any disciplinary hearing, meeting or conference.

### **Grievance procedure**

The Mid-Pacific contract sets out a detailed grievance process with specific timeliness. Mid-Pacific teachers have the right to have a faculty association representative present at each step in the process. The process includes an informal phase, where disagreements are worked out in a less confrontational manner. If that fails, the grievance moves into a formal phase that includes a hearing and, as a last resort, binding arbitration by a neutral party whose decisions are final.

### **Other contract provisions**

Among many other sections, the Mid-Pacific contract includes agreements on teacher personnel files, management rights, hours and conditions of work, assignments and transfers, additional duties, employee evaluations, wages, sabbaticals, leaves of absence, health insurance, and retirement.

### **Priorities**

Typically, unions rely on surveys of their members in order to determine what issues to focus on in their talks with their administrations.

— Jan Becket