

# Kamehameha Schools Faculty Association

## Committee member responds to Dr. Chun's letter

In a letter addressed to KSBE staff on February 20, Dr. Chun delineated five reasons he thinks a union is not in the best interests of our school:

- "A union is divisive."
- *The federal requirement to deal with the union leadership on matters governed by collective bargaining would restrict our ability to address important issues.*
- *There "are no guarantees in collective bargaining." Agreements "may change for the worse."*
- *"Flexibility in creating school-wide policies, practices, salaries and working conditions affecting all employees is diminished ...."*
- *The "possibility of work interruptions, i.e., a strike, cannot be eliminated."*

First of all, we want to thank Dr. Chun for putting his thoughts in writing. It is the honest and constructive way to take a stand. We also want to congratulate him on winning his well-fought and exhausting battle to become the undisputed leader of Kamehameha Schools. We are anxious to work with him. Now let's examine his five reasons and see if they are serious or irreconcilable.

A union doesn't have to be divisive. It is after all only a label for an association which has legal protections. Some of us don't like the idea of joining a union but feel forced into it by the top-down management style of KSBE. But the bottom line is that if we become a union we are still going to be the same outstanding faculty which is trying to do right by its students. The label isn't going to change us, but it will allow us to exist and communicate without fear of reprimands.

Regarding federal laws restricting our ability to address important issues, that shouldn't be a problem because the union leadership is us, the faculty. Once more, the label doesn't make us bad guys.

Regarding guarantees and things getting worse, we didn't have any guarantees before, nobody is offering any now, and things have already gotten worse. That's why we feel compelled to establish a union. This movement has never been about issues which would be terribly expensive to KSBE. It's about leadership and doing the right thing. Let's keep things on that level.

The flexibility issue is vague and hypothetical. Certainly the faculty (alias "the union") has no desire to interfere with the efficient management of the school. We just want to have some say in the matters which concern us.

Finally, the possibility of a strike is a matter over which the administration has enormous control. Nobody has ever accused this faculty of making unreasonable demands or being insensitive to the needs of our students. We don't intend to change.

In summary, a union doesn't automatically create irreconcilable differences. We don't want it to be an "us" versus "them" situation. We want to work with Dr. Chun and make this a better school. If he is as sincere in his desire to make this a better school as we are and if he has the authority to govern the school, we can't fail. The alternative of forming a professional association places too much trust in an administration that is not used to giving up control of the smallest details. Trust is something which the administration hasn't earned and it will take time to recover it. The union will offer them the opportunity to get it back by working together with the faculty constructively. Let's recommit toward school improvement by joining a union which gives this responsible faculty a voice in school affairs. — *Bill Follmer*

## Important dates

### March 6

Pa'ina, with food, music and the answers to some hard questions by our lawyer, Dean Choy. Performing Arts Band Room, 3:30-5:30. *Please attend!*

### March 13

Election supervised by the NLRB., lobby of the Auditorium, 6:30-7:30 a.m. and 2:30-5:30 p.m.

**Note:** the ballot will be a simple Yes/No choice: do you want KSFA as your bargaining agent or not? The outcome will be decided by a majority of those who vote.

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## University of Hawaii Professional Assembly offers advice

Nine KSFA members met with Mr. John Radcliffe and Dr. William Puette at the University of Hawaii Professional Assembly office late Friday afternoon, February 13. Mr. Radcliffe is Acting Executive Director of UHPA. Dr. Puette is on the staff of The Center for Labor Education and Research at UH.

Dr. Puette stressed that professional employees are unionizing at a faster rate than any other segment of the US population. Of all professionals, doctors are unionizing at the fastest rate. In nearly every case, money is secondary. Professionals want three things: control, dignity and partnership. In fact, those three qualities are what define the term "professional."

Mr. Radcliffe said that UHPA had done a survey in Hawaii, including varied age groups and all ethnicities, showing that 76% of those polled opposed the Bishop Estate trustees. In addition, he pointed out, both daily newspapers are anti-union

but support the KS faculty. "This is the moment for you to act," said Mr. Radcliffe. "There is tremendous community backing."

Mr. Radcliffe warned that typical employer tactics include "divide and conquer. Watch out - work on solidarity" Be prepared for stalling and nitpicking.

*An aside: It's time to recall the November 17/97 memo from the secondary administration sent to all faculty, concerning their meeting with lawyer Bob Katz and labor consultant Buddy McGuire. The memo stated: "Mr. Katz and Mr. McGuire have been*

*invited by Trustees and Dr. Chun as resources to assist in the development and implementation of a healing process and to find solutions to concerns of the Kamehameha staff." To the contrary, Mr. Katz and Mr. McGuire give a new meaning to the word "healing." — Janet Zisk*

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things: control,  
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partnership.*

*Dr. Puette put together two packets of material, Forming a Union and An Organizer's Primer specifically oriented towards KSFA needs. The following is from a section entitled "Promises, Promises"*

*"Workers who seek to improve their lives by forming a union on the job are almost always in for a fight.*

*"Typically, management likes things as they are, where they call all the shots. So they spend a lot of money to hire anti-union consultants....*

*"When the anti-union consultants come on the scene, they pretty much take over. They write speeches for management to deliver at 'captive audience' meetings (ie., meeting workers have to attend). They draft letters which management signs.... They train supervisors on how to talk against the union.*

*"Many anti-union consultants are lawyers, who can use legal maneuverers to cause delays in the process. They figure if they delay long enough, workers will get too discouraged to stick together.... The typical employer campaign is a two-headed monster. There is the 'nice guy' approach. Supervisors smile and ask how you are. Promises are made.... Complaints are resolved.*

*"Don't underestimate how effective this approach can be, especially when the manager...promises to be better and begs for one more chance. He can promise anything he wants - after all, this 'niceness' only has to last until the end of the campaign.*

*"Union busting consultants are vicious. But they can be beaten, and they are beaten by workers every day."*

# Kamehameha Schools Faculty Association

## A report from the contract committee

We are encouraged by the dialog that was started at the first meeting of Dr. Chun's "Contract Committee" on Friday, February 20. The meeting was attended by 5 administrators and 9 teachers. Three Employment Agreement concerns were preselected for discussion and were as follows: 1) the timeliness of issuance, 2) the one year contract (length of contract), and 3) the language of the contract. Basically we were to address the language and presentation, but not the conditions of the contract.

The present Employees Handbook seems to have been written to limit the exposure and liability of the Estate and is perceived to view the school and its employees as liabilities, rather than assets. Strong feelings about the Contract and Handbook were expressed. After much discussion, three concerns surfaced:

- Those with the authority and power to implement change are not represented on the committee. If anything is to substantively change the Trustees and/or Director of Personnel must be in agreement with those changes.

- The terms and conditions of the Employment Agreement or "Teachers Contract" not only

binds one to what is printed on the issued agreement, itself, but refers to the provisions of the Code of Ethics and Conduct, and the Employee Handbook. Even if the language and presentation of the contract were to be revised and represented in a more palatable way, the terms and conditions of the contract itself would not substantially change until the Employees Handbooks was revised.

A second meeting was held on Friday, February 27. Again, it was agreed that the tone of the contract was very legalistic and not very humanizing. Sections in the contract that were already in the Handbook would be deleted. A much friendlier letter for reappointment of teachers will be presented. Still, the Handbook remains the key to any substantive changes to our contract and it has yet to be addressed.

In the near future, we will make a critical decision regarding unionization. As we approach this historic decision, we have support from prominent educators, community leaders, alumni and the media. The administration is to be commended for giving the teachers an opportunity to participate. It is up to us to make sure that this participation is meaningful and continues, by voting YES.

## The state of the piggy bank

A little over a month ago, KSFA finally started to generate funds to help pay for the legal aid we have received from Dean Choy and his law partner, Mr. Nauyokas. With an initial bill of \$17,965.47 — it seemed a real uphill battle. Many felt that this was a Herculean task.

Good News! As of February 25, 1998, we have collected \$18,013.50 and paid Choy and Nauyokas \$17,000. We have an outstanding balance of almost \$5000 with next month's bill, yet to be received. The majority of our monies have come from direct contributions from you — our own Kamehameha teachers. Right On! Your commitment to develop a better teaching and learning

environment drives us forward, but your financial contributions — no matter how large or small — keeps us afloat.

We have received several gifts of \$1000 from the University of Hawaii Professional Assembly, ex-Trustee "Pinky" Thompson, and an anonymous source. A most generous gift of \$5000 came from another anonymous source.

The little notes that sometime accompany the financial gifts, both large and small — express support that come from the heart. When some of these notes express an apology for the small amount they had to spare (wishing that they could send more) — I get teary-eyed and simply shake my

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## The state of the piggy bank (continued)

head. They believe in us and what we are doing — we need to renew our commitment and believe in ourselves.

Thank you once again for the financial support you have given to help carry our own load. Through your continued efforts, our financial concerns will certainly be overcome. Let us remain

committed in hearts, minds, and spirit to the successful establishment of KSFA — as a positive agent for change. — *Tom Chun*

**Please send your contribution (and all written communications) to KSFA, P.O. Box 894163, Mililani, HI 96789.**

## Do you have questions about what happens next?

**Is there a possibility that I will lose my retirement benefits if I vote in favor of the union?**

Under the present employee benefits scheme, if you have vested rights, whether under the retirement plan or some other employee benefit plan, you have already earned your benefits and these benefits cannot be reduced short of an catastrophic event like bankruptcy. Under the present scheme, the administration has the right to change benefits that are to be prospectively earned (i.e., that are not vested) at any time, subject to certain legal disclosures and legally mandated minimum benefits such as medical, workers compensation, and temporary disability coverages. No legal rule exists that generally requires employers to provide retirement, vacation, or sick leave benefits, or even time off for lunch! The administration thus has tremendous leeway in its decisions affecting employee benefits.

**After the election, will bargaining begin from zero, and will we end up with a worse contract that we have now?**

If KSFA is established as a union, a duty to bargain and deal in good faith with KSFA will arise. This duty means that, in the course of negotiating a union contract, the administration cannot discriminate against the teacher members of KSFA on the basis of their union membership. Thus, reduction of benefits only affecting teachers or proposing a contract that is less than the scheme of benefits already in effect under the pre-union days will potentially constitute an illegal unfair labor practice in the absence of a showing by the administration that the action is economically justified or has a legitimate business reason. — *Dean Choy, attorney for KSFA*

**Note: If you want the answers to some hard questions, Dean will be at our Pāina to answer them. Even if you don't have questions, come to enjoy the company of your colleagues!**

## Let's not forget why we are all doing this

A little over a year ago faculty and alumni took the first steps towards curing our beloved school of a malaise that has crippled it longer than some want to admit. This election is simply another step in that same positive direction.

In the early Nā Kumu meetings last spring, speakers often used the word “empowerment.” As professionals, we want some control over aspects of our professional lives that affect us most directly. Employment issues like retirement medical benefits, a just cause provision and a real grievance procedure are all of vital importance, but those is-

ues are not what led to the formation of Nā Kumu. We all came together out of a common vision of what this institution *could* be, and of our place in it.

If all of us have faith in the professionalism and integrity of our colleagues, Kamehameha Schools will emerge strengthened, led by a genuine partnership of faculty and administrators, with our students the ultimate winners. The union is the best way to ensure that the partnership is a partnership of professional equals, with shared accountability. Keep the faith. — *Jan Becket*