

**Larry McElheny**

## President's report: Progress on our work in progress

On March 13, 1998, ninety percent of our approximately 236 members voted to form a union, in an election certified by the NLRB. The election had been made possible by at least 10% of the faculty risking their jobs to sign NLRB forms stating that they wished the election to take place. Dean Choy, the KSFA attorney, commented at the time, "management never wants their employees to form a union, but it is always mismanagement that pushes employees to unionize."

With the ouster of the old trustees and certain key personnel, the climate at KS is far better than in those years. However, KSFA still exists to serve as a place for teachers to come together and protect their professional interests should the school ever revert to its former management style. Ultimately, it is a place to defend the interests of our students and Pauahi's will.

Included with this newsletter is a copy of our constitution, with a few changes ratified at the spring general meeting. Please read Article II, Purposes and Objectives. Not only does it express the beliefs of those on the Executive Board and Representative Assembly, but we believe it expresses the sentiments of our membership.

As our union continues to evolve, we can look back with pride at the progress we have made:

- We negotiated the first Collective Bargaining Agreement (CBA).
- We negotiated excellent pay raises and benefits.
- We have maintained an 80% level of voluntary dues deductions.
- We negotiated out most of the "land mines" inserted into our first CBA, such as the one that enabled a judge to allow the school to deny us just cause.
- We negotiated our right to just cause this past

year.

- We have stood up for individual teachers, in both informal disciplinary meetings and in formal grievances. These are not publicized, of course, but you might be surprised at how often your reps are needed, even now. The CBA we negotiated spells out a disciplinary process: our job in those meetings is to make sure that the CBA is followed in a fair, even-handed way, and that our members receive due process.
- We helped form the 'Ohana Council.
- We served on the CEO advisory Board, bringing your interests and concerns to the table.
- We have formed partnerships with Nā Kumu on many issues.

None of this would have been possible, of course, without your support. The letter on page 2 to Dr. Chun outlines some issues pending for this next year. If you can think of others, please communicate them to your KSFA rep. (See the list on page 4.) As we evolve, your participation is essential.

## What's inside?

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KSFA

P.O. Box 894163, Mililani HI 96789

December 13, 2004

FROM: KSFA Executive Board

TO: Dr. Chun, President and Headmaster, Kamehameha Schools  
Kapālama Campus

Subject: Preparations for Consultation Meeting December 15, 2004 (3:45  
- 4:45)

In anticipation of our December 15th consultation meeting, KSFA respectfully requests that you consider the following question: What areas offer potential for improvement at Kamehameha Schools and how can KSFA help? In addition, we would like to discuss these three issues:

Communications. Specifically, what can KSFA do to improve the flow of information up and down the chain of command and between the four campuses (KES, KMS, 9/10, and 11/12) on the Kapālama Campus?

Mandatory Subjects of Bargaining. Have there been or are there pending any changes to policy and procedures that are mandatory subjects?

IRS Ruling. In order to protect its tax-exempt status, KSBE agreed in its settlement with the IRS after the controversy that it would wait three years before hiring any politician departing public service. KSFA objected to applying this ruling to teachers because we felt the IRS was only concerned with ex-politicians becoming high level KSBE administrators. However, KSBE was reluctant to challenge the IRS at that time. Recently, an ex-physics teacher our ours was not reelected. Had we wanted to hire him, this ruling would have let him get away. Is now the time to inquire if the ruling can be modified to exempt teachers?

Sincerely,  
Larry McElheny  
President, KSFA

## The 10 best employers for workers over 50: compiled by the AARP

The following list is based on surveys of employees, and covers these categories: recruiting, training, pension plans, health benefits and alternate work arrangements.

### #1 The Charles Start Draper laboratory, Inc, Cambridge, MA

In addition to Draper's age-friendly recruiting practices (70% of flexible-hours employees are retirees), the company sponsors workshops for 50+ employees that cover healthy lifestyles and estate planning. There's a generous undergraduate tuition reimbursement, and master's degrees programs related to work are paid in full. Plus, employees can phase into retirement (and collect benefits) while working part-time.

### #2 Deere & Company, Moline, IL

Full-time employees at Deere pay only 11% of the cost for health, dental, vision and prescription drug coverage, while part-time workers also receive highly subsidized benefits for working as little one hour per week. Add in stock options and a "catch-up" program for 50+ workers saving for retirement, and it's clear why the company's annual turnover

rate for older employees is less than 1%.

### #3 Scripps Health, San Diego, Ca

Scripps sponsors on-site training and leadership development programs, including the Generation Chasm workshop, which addresses the challenges of an inter-generational workplace. The organization's 401(a) plan also reflects a commitment to its mature workers: employees with 20 or more years of service who contribute 3% are matched by a whopping 200%.

- **Principal Financial Group, Des Moines, IA**
- **Pitney Bowes, Inc. Stamford, CT**
- **Volkswagen of America, Inc., Auburn Hills, MI**
- **SSM Health Care, St. Louis, MO**
- **Scottsdale Healthcare Corporation, Scottsdale, AZ**
- **Lincoln Financial Group, Philadelphia, PA**
- **Beaumont Hospitals, Southfield, MI**

— Based on an article in the November / December AARP newsletter

## A tax checklist for educators

*Don't forget: 1) Deduct your union dues. 2) Look into the new \$250 across-the board deduction for teachers, even those not itemizing. Every situation is unique, so consult your tax adviser.*

### Professional fees and dues

- Alumni dues
- Association dues
- Credentials
- Licenses
- Parent-Teacher groups
- School dues
- Union dues

### Continuing Education

- Course fees
- Registration fees
- Lab fees
- Materials and Supplies
- Photocopy expenses
- Reference material
- Research expenses
- Seminar fees
- Textbooks
- Transcripts
- Tuition

### Telephone expense

- Fax transmissions
- Pagers
- Toll calls
- Cellular toll calls

### Auto travel

- Away from home overnight (miles)
- Between jobs or locations (miles)
- Continuing Education and seminars (miles)
- Field trips (miles)
- Library (miles)
- Meetings (miles)
- Supplies & materials
- Professional society meetings
- School functions (miles)

### Parking fees

- Parking fees
- Tolls

### Travel out of town

- Airfare
- Car rental
- Parking
- Taxi
- Public transportation
- Lodging
- Meals
- Laundry
- Bridge and Hwy tolls
- Telephone calls (including calls home)

### Classroom supplies

- Arts and crafts material
- Audio visual rentals
- Audio visual Supplies
- Books
- Classroom decorations

### Computer software

- Computer software
- Film and processing
- Grading expenses
- Magazines and newspapers
- Music
- Paper
- Party supplies
- Photocopy expenses
- Printing
- Records, tapes
- Stationary
- Student prizes, awards
- Trophies
- Visual aides
- Video tapes

### Miscellaneous expenses

- Liability insurance
- Periodicals
- Professional Subscrip-

Write down your concerns, opinions or questions and give them to your rep. — they will be passed around at the next meeting. Close the loop! Your opinion counts.

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**KSFA REPRESENTATIVE ASSEMBLY**

**UNIT KES:**

Moana Leong, Bette Savini, Lynn Tagami, Diane Tanner-Cazinha

**UNIT 7/8:**

Mike Ching, Don Kroessig, Grace Omura, Renee Teraoka

**UNIT 9/10:**

'Alohi Ae'a, Tom Gardapee, Bill Follmer, Mike Massad, Warren Takata, Todd Takahashi

**UNIT 11/12:**

Jan Becket, Theone Chock, Jeremy Dulatre, Larry McElheny, Diana Sanchez

**EXECUTIVE BOARD MEMBERS**

**— OUR NEGOTIATING TEAM—**

- President: Larry McElheny
- Vice President: Bill Follmer 488-0767
- Secretary: Moana Leong
- Treasurer: Don Kroessig
- Unit Reps to be announced

## Your Weingarten Rights

I believe this discussion could lead to my being disciplined. I therefore request that a union representative be present to assist me at this meeting. I further request reasonable time to consult with my union representative regarding the subject and purpose of the meeting. Please consider this a continuing request. Without proper representation, any discussion you require me to participate in from this point on and any statements you may derive therefrom I shall regard as coerced in willful disregard of my rights as set forth by the Supreme Court of the United States. Nor do I consent to any searches or tests affecting my person, property, or effects without first consulting with my union representative.

**ARTICLE I  
NAME**

This organization shall be named the Kamehameha Schools Faculty Association (KSFA).

**ARTICLE II  
PURPOSES AND OBJECTIVES**

As educators, we strive to live the values in the Kamehameha Schools Bishop Estate mission statement: Pono, 'Imi 'Ike, Laulima, Lokomaika'i, Na'au Pono, Målama, and Ha'aha'a, with the foundation value of Aloha, a sense of warmth and respect for others. Respect for these values leads to:

- An institutional focus on the primacy of the teacher-student relationship.
- A sense of community, mutual respect and trust.
- A tolerance for free and serious debate, with a regular re-evaluation of policies, procedures, and strategic goals at all levels of the institution.
- A respect for the excellence and professionalism of the teaching staff, with a corresponding respect for professional autonomy within the classroom.
- Institutional structures and procedures that allow for the free expression of opinions, and genuine participation by teachers in all decisions that affect the education of students.

Kamehameha Schools Faculty Association exists to articulate the professional concerns of Kamehameha teachers, and to express their strength and pride. In partnership with trustees, administrators and parents, and guided by the spirit of Pauahi's will, it places the educational needs of students above all other considerations. In addition, KSFA exists to:

- Represent the members in accordance with the National Labor Relations Act and negotiate a collective bargaining agreement.
- Represent the members in matters of professional concern that may lie outside the scope of the National Labor Relations Act.
- Act as a voice to articulate the professional concerns of members, seek clarification of

policies that may affect members and take proactive stands to seek solutions .

- Inform members of matters of professional concern.
- Bring the faculty of Kamehameha Schools into relations of mutual assistance and cooperation.
- Raise the standards of education by advancing the professional and economic interests of its members.
- Promote and support educational policies that help maintain high and rigorous professional standards.

The membership of KSFA may choose to engage in other beneficial activities as allowed by law.

**ARTICLE III  
MEMBERSHIP**

Everyone in the bargaining unit as defined in the National Labor Relations Board certification notice is a member of KSFA. Currently the bargaining unit includes all current full-time and regular part-time (not less than 50% workload) kindergarten through twelfth grade classroom teachers and librarians employed at the Kamehameha Schools Kapålama campus.

**ARTICLE IV  
EXECUTIVE BOARD**

**Section 1**

There shall be four (4) officers: a President, Vice-President, Secretary, and Treasurer. Officers shall be members of the Executive Board and shall be selected by the Membership. No officer may be a member of an election committee or an audit committee.

**Section 2**

**President**

- The President of the Executive Board is the chief negotiator for KSFA in obtaining a collective bargaining agreement.
- The President shall call and preside at all Executive Board meetings.
- The President is an ex-officio member of all committees except an election committee or

an audit committee.

- The President shall make reports to the membership on the status of the union at the fall general membership meeting.
- The President is authorized to act as a cosignatory for all checks drawn on the union's bank account.

Vice-President

- The Vice-President shall perform the duties of the President if that officer is temporarily absent.
- The Vice-President is an ex-officio member of all committees except an election committee or an audit committee.
- The Vice-President shall issue all notices and handle correspondence at the direction of the Executive Board, and shall keep all non-financial records and documents of the union, including membership records.
- The Vice-President is authorized to substitute for the Treasurer in that person's absence and as a cosignatory for all checks drawn on the union's bank account.

Treasurer

- The Treasurer shall keep all financial records of the organization and shall make a reporting of such records at regularly-scheduled Executive Board meetings, Representative Assembly meetings, and to the general membership at least once every semester.
- The Treasurer is responsible for the proper receipt and disbursement of union funds and may sign checks or make other financial transactions, as authorized by the Executive Board or the Representative Assembly.
- Between regularly scheduled meetings of the Executive Board, the Treasurer may write checks and disburse funds with the approval of the two other executive officers, provided that such disbursements are approved at a subsequent meeting of the Executive Board.
- The Treasurer collects dues and receives annual reports from Human Resources Department regarding members participating in the dues check-off option of payroll deduction. Updates

to these reports may be requested at appropriate intervals to verify the accuracy of KSFA's financial records.

- The Treasurer must have a second signature on all checks drawn on the union's bank account.
- The Treasurer shall have an internal audit committee conduct regular, periodic examinations of the union's books and records including:
  - reconciling the union's record of bank account balances with bank statements,
  - ensuring that adequate back-up documentation (bills, sales invoices, receipts, etc.) is maintained for all union expenditures, and
  - verifying the purpose and legitimacy of check transactions by referring to back-up documentation and the authorizations recorded in meeting minutes.

Secretary

- The Secretary shall record the minutes of Executive Board meetings, Representative Assembly meetings, and other meetings as deemed necessary by the President.

Section 3

- In addition to the four officers (President, Vice-President, Secretary, and Treasurer), membership in the Executive Board shall consist of one representative from each of the four units: KES, Unit 7/8, Unit 9/10, Unit 11/12.
- The Executive Board Unit Representative from each grade-level unit shall be elected for a one-year term by the Unit Representatives at each of the four units. This election will take place at a meeting of Unit Representatives within a month after the fall general membership meeting.

Section 4

- The Executive Board shall meet at least once every academic quarter and make minutes of its meetings available at general membership meetings. Meetings of the Executive Board may be called by the President or by any three members of the Board. All members of the Executive Board must be notified of meeting

times and places in advance. A quorum at Executive board meetings shall consist of five (5) of the seven (7) members.

- Meetings of the Executive Board shall be open to members of the bargaining unit, unless a particular meeting or a portion of a meeting is declared closed by a two-thirds vote of the Executive Board. Times and places of Executive Board meetings are to be made available to members.
- The Executive Board is empowered to act as the Negotiating Committee, to engage in collective bargaining under the provisions of the National Labor Relations Act and employ the use of other advisers including non-member consultants as it deems necessary.
- The Executive Board may enter into contracts and incur liabilities consistent with its purposes, on behalf of the union.
- The Executive Board must submit negotiated employment contracts for ratification. A general membership meeting shall be called for that purpose if time permits before the end of the academic year. If contract negotiations conclude too close to the end of the year or during the summer, ratification may be accomplished via a mail-in ballot. Copies of a proposed contract must be made available to members at least two (2) weeks before the meeting or at least four (4) weeks before mail-in ballots are due.

ARTICLE V  
REPRESENTATIVE ASSEMBLY

Section 1

To form the Representative Assembly, members of the bargaining unit at each of the four units (KES, Unit 7/8, Unit 9/10, and Unit 11/12) shall elect representatives for a term of two years during the first quarter of the academic year (preferably in September). Ideally, each of the four units shall elect one representative for every ten members, using standard mathematical rounding. If too few candidates are available at any given unit, the representative ratio should not be less than one

representative for every 15 members.

Section 2

Meetings of Unit Representatives are of two kinds:

- Meetings of the representatives of each particular unit. The elected representative to the Executive Board shall chair these meetings with minute-taking and other duties assigned by that person, as necessary. These meetings may be called by the chair or by a petition signed by ten (10) faculty who are members of the bargaining unit at that particular unit.
- Meetings of the Representative Assembly as a whole.. These meetings shall be called and run by the President or, in his/her absence, the Vice President. A quorum at any meeting of Unit Representatives shall consist of a majority of members of the Representative Assembly.

Section 3

Unit Representatives shall:

- Communicate the concerns of members in their unit through their elected member to the Executive Board.
- Act as a communication tree, passing newsletters and other information to the faculty, and passing questions and concerns to the Executive Board.
- Set KSFA policy and positions, subject to ratification at general membership meetings.
- Establish and hold membership in committees, with the exception of the Negotiating Committee.
- Address concerns and enter into discussions with trustees or administrators about issues not covered by collective bargaining and the National Labor Relations Act.
- Meet and function as necessary as unit-level committees to address concerns specific to a particular unit or several units.
- Meet as the Representative Assembly at least once each academic quarter to discuss mutual concerns, receive reports of committees and set KSFA policy. Such meetings are open to all members.

## ARTICLE VI ELECTIONS

### Section 1

Every two years, an Election Committee, consisting of from three (3) to five (5) members from various units, shall be elected at the general membership during the spring general membership meeting in order to prepare for the election at the beginning of the coming academic year. None of the members of the committee shall be a candidate for office in this election. This committee shall receive and solicit nominations for the positions of Unit Representative at each of the four grade-level units. The Election Committee members' task will begin in the fourth quarter of one year and conclude prior to the election the following school year.

### Section 2

At the discretion of the Election Committee, ballots may be sent by US mail two (2) weeks from the close of nominations to all union members. The period of balloting will close ten (10) days after the ballots have been sent out. If ballots are not sent out through the US mail, the committee must distribute an election notice listing the names of all candidates running for office from any given unit one (1) week from the close of nominations to all union members at each individual unit.

The election of Unit Representatives will take place at each individual unit before the fall general membership meeting. Once the Unit Representative have been elected, nominees for the four officer positions (President, Vice-President, Secretary, and Treasurer) will be solicited, and an election will take place at the fall general membership meeting. Officers will serve a two-year term. All members of the bargaining unit must receive notice of the election by US mail postmarked fifteen (15) days prior to the general membership meeting. Written and signed proxy ballots in sealed, signed envelopes may be collected up until the day of the election by members of the Election Committee, whose names will be posted on KSFA Bulletin Boards at each unit.

### Section 3

The ballots shall be opened and counted at the fall general membership meeting, and each candidate shall be entitled to a representative to watch the counting. The Election Committee shall be responsible for verifying that each ballot counted comes from a qualified voter. So that they can do this ballots will be distributed to members of KSFA when they sign in for the meeting. Proxy ballots will be added to the count of those voting at the meeting. The committee shall make sure that all ballots are counted at least twice by different committee members and that the counters sign the tally sheets. The ballots shall be counted in such a manner that the identity of each voter remains secret.

### Section 4

Candidates receiving the highest number of votes cast for their office shall be declared elected by the Election Committee. This applies to all elections in KSFA. In the case of challenged or disputed election results, the Election Committee shall be empowered to declare a winner or initiate another election.

### Section 5

Only those who are members one (1) week prior to the distribution of the ballots shall be eligible to receive and have their ballots counted.

### Section 6

All ballots, tally sheets, envelopes and invalid ballots will be kept in union records for two (2) years after the elections.

## ARTICLE VII REFERENDA AND RECALL

### Section 1

Any proposed action or policy (including amendments to the constitution, and actions or policies of the Executive Board or Representative Assembly) may be submitted to a referendum vote at a membership meeting.

### Section 2

Referenda may be proposed by:

- Executive Board (majority vote).
- A majority vote at a membership meeting at which a quorum is present.
- A written petition signed by fifty (50) mem-

bers.

Section 3

Any Executive Board member may be recalled by a two-thirds vote of the Representative Assembly. Executive Board members recalled in this manner retain their membership in the Representative Assembly.

Section 4

Unit Representatives may be recalled from office in three ways:

- A petition signed by two-thirds of the members of a unit shall remove a unit representative upon delivery to the Executive Board.
- A petition signed by a third of the members in any unit shall trigger an inquiry and intervention by the Executive Board, which must make a report to the Representative Assembly at the next meeting, with recommendations on a course of action.
- A vote of two-thirds of the Representative Assembly shall suspend membership of a representative in the Assembly until confirmation of that vote by a vote of the majority of those present at the next general membership meeting. Until the confirmation vote, the seat may be considered vacant and a replacement appointed (see Article XII).

Section 5

Referenda shall pass if they have a majority of the vote cast at a general membership meeting, except for Constitutional amendments and recall, which must receive two-thirds (2/3) of the votes cast.

Section 6

After receipt of the order for a referendum, it shall be the duty of the President to transmit the question to be voted on to all members two (2) weeks from its receipt. Accompanying the ballot shall be a pro and con argument of not more than 250 words.

Section 7

The vote on the referendum shall be taken at the next general membership meeting. If a general membership meeting is not scheduled within two (2) months, the vote may be accomplished via ballots distributed through the US Mail or hand-dis-

tributed and collected by the Unit Representatives. Members of the union must have received notice of the referendum at least two (2) weeks prior to the meeting or balloting date. The President shall notify the membership of the results of the referendum within ten (10) days.

ARTICLE VIII

GENERAL MEMBERSHIP MEETINGS

- General Membership meetings shall be called and scheduled by the four Executive Board Unit Representatives or by a petition signed by twenty-five (25) members of the bargaining unit.
- General Membership meetings must take place at least once each academic semester and may not be scheduled during vacation periods.
- These meetings shall be chaired by the four Executive Board Unit Representatives, with duties divided at their discretion.
- A quorum at a general membership meeting shall consist of one-fourth of the members of the bargaining unit.
- For the purposes of votes at General Membership meetings (and in all committees and bodies established by KSFA), a majority (50% plus one) shall consist of a majority of the ballots cast or of those present.

ARTICLE IX

FINANCES

Dues shall be proposed by the Executive Board at a general membership meeting and voted on at the next general membership meeting or via balloting as described in Article VII.

ARTICLE X

RULES OF ORDER

Roberts Rules of Order (revised) shall govern in all cases not covered by this Constitution or the bylaws of this local union.

ARTICLE XI

AMENDMENT

This Constitution may be amended by two-thirds (2/3) vote of the members present at a general

membership meeting. All members shall be informed of the proposed amendment by written communication at least two (2) weeks in advance of the vote. The Constitution may also be amended by a two-thirds (2/3) vote on a referendum.

## ARTICLE XII

### FILLING OF VACANCIES

#### Section 1

If the position of President, Vice-President or Treasurer becomes vacant, the Executive Board is empowered to elect a new officer, who must be a member of the Executive Board. The new officer shall serve for the remainder of the term of the former officer.

#### Section 2

In the event of a vacancy among the Unit Representatives on the Executive Board, the Representative Assembly shall elect a new member from the same grade-level unit to the board at its next meeting. The new member shall serve for the remainder of the term of the former member.

#### Section 3

In the event of a vacancy in the Representative Assembly, the Assembly is empowered to fill the vacancy with a member from the same grade-level unit as the former Unit Representative. That person will serve for the remainder of the term of the former member.

## ARTICLE XIII

### AVAILABILITY OF CONSTITUTION

The KSFA Constitution shall be made available to all members of the bargaining unit.