



August 18, 2020

Governor David Y. Ige
State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

President David Lassner
University of Hawaii
Office of the President
Bachman Hall, Room 202
2444 Dole Street
Honolulu, Hawaii 96822

Board of Regents
University of Hawaii
Bachman Hall, Room 209
2444 Dole Street
Honolulu, Hawaii 96822

Dear Governor Ige, President Lassner, and Board of Regents:

As the public employers defined in Hawaii Revised Statutes (HRS), §89-6(d)(4), for the purposes of negotiating a collective bargaining agreement for Unit 7 Faculty Members of the University of Hawaii (UH), the University of Hawaii Professional Assembly (UHPA) submits this written letter in response to the Tuesday, August 18, 2020, Civil Beat Article entitled "Ige Plans Furloughs For Public Workers In November."

Over the past several months, numerous public statements, news articles, resolutions, and internal UH communications have been announced and published about unilaterally imposing furloughs, wage cuts, and job reductions for State employees, impacting Unit 7 Faculty Members. As all of you are aware, we have an active and mutually agreed upon Unit 7 collective bargaining agreement for the duration of July 1, 2017 through and including June 30, 2021. While we acknowledge that Article XVI, Retrenchment, has been negotiated and agreed upon to address fiscal exigency for the UH, furloughs, wage cuts, and job reductions are all mandatory subjects of bargaining under HRS, §89-9(a), and cannot be unilaterally imposed unless it is mutually agreed to by the parties. To date, the public employers have not properly notified the UHPA of any request to engage in mid-term bargaining under HRS, §89-9(b), in an attempt

University of Hawaii Professional Assembly
1017 Palm Drive
Honolulu, HI 96814
(808)593-2157

to negotiate and obtain mutual agreement over these additional concepts. While the Tuesday, August 18, 2020, Civil Beat Article, does not identify Unit 7 Faculty Members to be subject to this unilateral imposition of furloughs, it also doesn't exclude them from the impact.

What I do want to make crystal clear is that UHPA has never been approached by any of the public employers with specific mid-term proposals to bargaining over furloughs, wage cuts, and reductions during the entire term of our existing contract. In addition, UHPA has refrained from publicly responding to these statements, articles, and UH communications since we believe it is not aligned with the intent and purpose of HRS, §89-1, as well as, Regents Policy RP 9.203, Collective Bargaining. Nevertheless, the constant and relentless messaging of unilateral impositions of mandatory bargainable subjects is causing tremendous fear, anxiety, and apprehension for UHPA Unit 7 Faculty Members which is not helpful during these unprecedented times. While UHPA does recognize the State's dire economic situation in light of the Covid-19 pandemic, this pattern of negotiating in the media is neither "respectful" nor "appropriate." We acknowledge that there will unfortunately be significant negative impacts and hard decisions to be made, the statutory defined process outlined in HRS, Chapter 89, is what all parties are required to follow.

Therefore, I respectfully request that all public employers cease and desist from any further public statements, news articles, and internal UH communications speaking on this matter unless it is clearly stated and defined that it does not apply to Unit 7 Faculty Members. If it is the public employer's intent to propose such measures, we respectfully request that the public employer follow the statutory process under HRS, Chapter 89, and uphold and comply with its own Regents Policy RP 9.203, Collective Bargaining.

Thank you for your time and attention to this sensitive matter.

Sincerely,



Christian L. Fern
Executive Director