



HAWAII STATE TEACHERS ASSOCIATION

Teaching Today for Hawaii's Tomorrow

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July 17, 2008

Telefaxed to (808) 586-3320 (original mailed)

Ms. Patricia Hamamoto, Superintendent  
Department of Education  
State of Hawai'i  
Queen Lili'uokalani Building  
1390 Miller Street, Room 309  
Honolulu, Hawai'i 96813

Roger K. Takabayashi  
President

Wil Okabe  
Vice President

Karolyn R. Mossman  
Secretary-Treasurer

Mike McCartney  
Executive Director

Dear Ms. Hamamoto / Pat

Re: Appendix II (Drug and Alcohol Testing) of the Collective Bargaining Agreement

We appreciate the good faith bargaining between your team and the HSTA team relative to Appendix II. To continue our good faith efforts, I am sharing the following information with you.

Today both parties know much more about the legal issues surrounding drug testing that were not known at the time of the initial agreement. During our recent negotiations on the procedures, we have had the opportunity to take a fresh look at these complex legal issues. Now, the only remaining issues not agreed to at the table are constitutional in nature. Because of this, we need to proceed prudently in order to avoid problems in both implementation and legality.

Please know that the Association is agreeable to immediately implement the reasonable suspicion drug and alcohol testing procedures that have been agreed upon by both teams. There is still, however, one remaining issue relating to the disclosure of confidential information that is constitutional in nature. As for random drug and alcohol testing procedures, based upon advice of legal counsel, we believe that our current proposal is consistent with both the state and federal constitutions, while the Employer's proposal is not.

We cannot knowingly agree to procedures that violate the state and federal constitutions. Any agreement of this type would subject the state and all of us to unnecessary litigation that would be a waste of taxpayer dollars that should be spent in other areas of public education.

Therefore, please be advised that in order to resolve our differences over constitutional issues, the HSTA Board of Directors has directed the Association's president, executive director, and chief negotiator to ask for a declaratory ruling from the Hawai'i Labor Relations Board (HLRB) and/or seek the assistance of a federal mediator. We believe this will keep the parties moving forward and enable us to reach mutual agreement on this matter.



EXHIBIT C

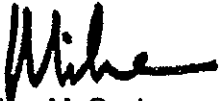


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Again, we appreciate the efforts of you and your team and look forward to continuing our good faith negotiations.

If you have any questions, please let me know.

Sincerely,



Mike McCartney  
Executive Director

c: Roger Takabayashi, President, HSTA  
Ray Camacho, Chief Negotiator, HSTA  
HSTA Board of Directors  
Donna Ikeda, Chair, BOE  
Sheri Lee, Assistant Superintendent, DOE  
Marie Laderta, Director/Chief Negotiator, DHRD

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