



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

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For Immediate Release: October 7, 2013

News Release 2013-18

**PAYMENT OF SUBSTITUTE TEACHERS BACK PAY TO COMMENCE IN 2014**

HONOLULU – On September 18, 2013, in the class action lawsuit Garner, et al v. Department of Education, et al, Civ. No. 03-1-000305 the circuit court preliminarily approved the Settlement Agreement Regarding Class Action Damages and Distribution (Settlement Agreement), which partially resolves the claims at issue in the litigation. The parties will seek final approval of the Settlement Agreement at a hearing before the circuit court on November 15, 2013. If the circuit court issues an order granting the motion for final approval of the Settlement Agreement, the earliest date upon which the Settlement Agreement will be final is December 16, 2013, 30 days after the court enters the order.

Implementing the terms of the Settlement Agreement in this complex class action litigation requires a great deal of preparation on the part of the State and cooperation between the parties. For example, final approval of the Settlement Agreement requires, in part, that the State take specific action to provide notice to all of the Plaintiffs by direct mail and through publication in two successive issues of the Honolulu Star Advertiser. Once the Settlement Agreement becomes final, the State can commence calculating the taxes and benefits, preparing W-2 forms, and processing and issuing the paychecks for approximately 9,000 individuals, a massive undertaking that will require a reasonable amount of time to implement and accomplish.

Contrary to statements made by Plaintiffs' counsel reflected in a column running in the Honolulu Star Advertiser on October 7, 2013, payments to Plaintiffs cannot be issued within 15 days of the Settlement Agreement becoming final. In September, Plaintiffs' counsel was informed that the State anticipates that the earliest date on which payments can be made will be the March 5, 2014 pay date.

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Payment of Substitute Teachers' Back Pay to Commence in 2014

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