

JAN 24 2013

A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Since 2004, graduate assistants at the
2 University of Hawaii have not received meaningful compensation
3 increases. During that time, the cost of living in Hawaii has
4 progressively risen. In December 2012, Chancellor Tom Apple
5 indicated that graduate assistants from employee pay scale steps
6 one to seven would be combined and moved up to step eight pay
7 scale status in fall of 2013. However, this adjustment is not
8 accompanied by budgetary increases and will ultimately result in
9 a reduction in the total number of graduate assistant positions.
10 The adjustment also collapses different levels of graduate
11 assistant positions into a single grouping. This will make it
12 more challenging for the University of Hawaii to draw in top
13 candidates as graduate assistants. Fields with external
14 funding, such as the natural sciences, would benefit from a
15 broader pay range structure for graduate assistants. Currently,
16 there is a request pending approval with the president of the
17 University of Hawaii to create eight additional scale steps to
18 the eight existing for graduate assistants. Graduate assistants



1 have attempted to unionize in order to develop a cohesive plan
2 for the changes made to their positions.

3 The long-term vitality of the University of Hawaii depends
4 on the proper distribution and allocation of funds. This
5 necessarily involves input by graduate assistants, who perform
6 important research and teaching functions for the university.
7 Graduate assistants are not currently organized to advocate for
8 their rights, nor are they allowed to be. Many other
9 universities across the nation enjoy positive working
10 relationships with graduate student unions that fairly advocate
11 for graduate assistants and graduate student workers therein.

12 At the University of Hawaii at Manoa, the total number of
13 graduate students is 5,722 and 22.7 per cent of those students
14 have graduate on-campus employment either as research assistants
15 or teaching assistants. Disparities exist between actual
16 salaries and benefits provided to graduate assistants at the
17 University of Hawaii at Manoa and comparable institutions. For
18 example, the University of Oregon covers one hundred per cent of
19 the medical plan costs for graduate students whereas the
20 University of Hawaii covers only fifty per cent. At the
21 University of Colorado, the lowest graduate assistant academic



1 salary is \$29,000, compared to \$13,296 at the University of
2 Hawaii.

3 Unlike many universities with unionized graduate students,
4 currently there is no provision for sick leave for graduate
5 assistants at the University of Hawaii at Manoa. Further,
6 recent budget cutbacks with a campus-wide impact at the
7 University of Hawaii at Manoa have eliminated offices and
8 administrative positions crucial to the successful employment
9 experiences of graduate assistants. In particular, the office
10 of the ombudsman at the University of Hawaii at Manoa has been
11 eliminated, removing an important forum for addressing
12 grievances.

13 Enrollment at the University of Hawaii is increasing and at
14 the same time the number of courses offered per semester is
15 decreasing. Budget shortfalls have forced classes to expand in
16 size. Graduate teaching assistants have been handling almost
17 double the size of classes and labs. The workload of graduate
18 assistants varies by department and supervisor, but these
19 variations are not accounted for through salary adjustments.
20 Without a dependable and accessible avenue to obtain help with a
21 grievance, the employment practices faced by graduate assistants
22 go unattended.



1 Graduate student workers, as state employees, should have
2 the right to unionize their workforce.

3 The purpose of this Act is to take the first steps to
4 provide for the protection of graduate assistants' rights by
5 permitting graduate students employed by the University of
6 Hawaii system to participate in an appropriate collective
7 bargaining unit.

8 SECTION 2. Section 89-6, Hawaii Revised Statutes, is
9 amended by amending subsection (f) to read as follows:

10 "(f) The following individuals shall not be included in
11 any appropriate bargaining unit or be entitled to coverage under
12 this chapter:

- 13 (1) Elected or appointed [~~officials~~] officials;
- 14 (2) [~~Member~~] Members of any board or commission; provided
15 that nothing in this paragraph shall prohibit a member
16 of a collective bargaining unit from serving on a
17 governing board of a charter school, on the state
18 public charter school commission, or as a charter
19 school authorizer established under chapter 302D;
- 20 (3) Top-level managerial and administrative personnel,
21 including [~~the~~] a department head, deputy or assistant
22 to a department head, administrative officer,



- 1 director, or chief of a state or county agency or
2 major division, and legal counsel;
- 3 (4) [~~Secretary~~] Secretaries to top-level managerial and
4 administrative personnel listed under paragraph (3);
- 5 (5) [~~Individual~~] Individuals concerned with confidential
6 matters affecting employee-employer relations;
- 7 (6) Part-time [~~employee~~] employees working less than
8 twenty hours per week, except part-time employees
9 included in unit (5);
- 10 (7) Temporary [~~employee~~] employees of three [~~months~~]
11 month duration or less;
- 12 (8) [~~Employee~~] Employees of the executive office of the
13 governor [~~or a~~] and household [~~employee~~] employees at
14 Washington Place;
- 15 (9) [~~Employee~~] Employees of the executive office of the
16 lieutenant governor;
- 17 (10) [~~Employee~~] Employees of the executive office of the
18 mayor;
- 19 (11) Staff of the legislative branch of the State;
- 20 (12) Staff of the legislative branches of the counties,
21 except employees of the clerks' offices of the
22 counties;



- 1 (13) Any commissioned and enlisted personnel of the Hawaii
2 national guard;
- 3 (14) [~~Inmate,~~] Inmates, kokua, [~~patient, ward, or student~~]
4 patients or wards of a state institution[~~+~~], or
5 students of a state institution that are not employed
6 by the State;
- 7 (15) Student help[~~+~~] except graduate students employed by
8 the University of Hawaii;
- 9 (16) Staff of the Hawaii labor relations board;
- 10 (17) Employees of the Hawaii national guard youth challenge
11 academy; or
- 12 (18) Employees of the office of elections."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2013.

16

INTRODUCED BY:



S.B. NO. 1365

Report Title:

Collective Bargaining; University of Hawaii; Graduate Students

Description:

Removes graduate students employed by the University of Hawaii from the list of state employees statutorily barred from inclusion in an appropriate bargaining unit. Effective July 1, 2013.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

