



**STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR**
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

February 29, 2016

TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE
For Hearing on Wednesday, March 2, 2016
11:00 a.m., Conference Room 308

By

JAMES K. NISHIMOTO
CHIEF NEGOTIATOR, OFFICE OF COLLECTIVE BARGAINING

**House Bill No.1940, H.D.1
Relating to Collective Bargaining**

CHAIRPERSON LUKE, VICE-CHAIR NISHIMOTO AND MEMBERS OF THE
COMMITTEE ON FINANCE:

H.B. No. 1940, H.D. 1 would establish a collective bargaining unit for
graduate student assistants employed at the University of Hawai'i (UH).

The Office of Collective Bargaining **DOES NOT SUPPORT** this bill for the
following reasons:

- A graduate student assistant's employment is temporary while they are primarily students engaged in completing their advanced degrees and thus, is not a career or profession.
- Establishing a new collective bargaining unit 15 for UH graduate student assistants could have significant cost increases for both the UH and the State since mandatory subjects of collective bargaining cover wages, hours, conditions

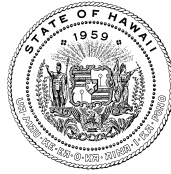
of employment, and fringe benefits.

- The effective date noted in this bill is July 1, 2091.

Based upon the above, the Office of Collective Bargaining respectfully requests that this measure **be held**.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

RODERICK K. BECKER
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1940, H.D. 1**

March 2, 2016
11:00 a.m.

RELATING TO COLLECTIVE BARGAINING

This measure allows graduate students employed by the University of Hawaii (UH) to collectively bargain by amending Chapter 89-6, HRS, to remove the exemption from collective bargaining for graduate students employed by UH and authorizing a new Bargaining Unit 15.

The Department of Budget and Finance opposes this measure. UH has outlined several reasons why it is best to keep collective bargaining out of the management of these student-employees in their testimony. The cost implications of allowing graduate students to collectively bargain are a special concern, especially in UH's current fiscal situation.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Finance
March 2, 2016 at 11:00 a.m.

By
Risa E. Dickson
Vice President for Academic Affairs
University of Hawai'i

HB 1940 HD1 – RELATING TO COLLECTIVE BARGAINING

Chair Luke, Vice Chair Nishimoto, and members of the committee:

I am providing testimony on behalf of the University of Hawai'i (UH) regarding House Bill 1940 House Draft 1 – Relating to Collective Bargaining – which proposes to amend Chapter 89, HRS, more specifically HRS, §89-6, to create a new bargaining unit 15 entitled “Graduate student assistants employed by the University of Hawaii”, and HRS, §89-11(d), to include the new bargaining unit 15, which will allow “graduate student assistants employed by the University of Hawaii” to be included in public sector collective bargaining as provided for in HRS, Chapter 89.

The University opposes this measure.

“...graduate student assistants are students first and employees second.” This statement, from the Governor’s Message No. 1328, dated July 13, 2015, articulates one of the concerns and issues raised in Governor Ige’s *Statement of Objections* toward a similar bill, House Bill 553, which he vetoed in 2015. The current bill continues to be objectionable since it is still incomplete and could potentially cause legal and administrative problems. None of these positions is a career position within government service unlike all other positions in the established fourteen (14) collective bargaining units under HRS, §89-6. There still will be significant cost increases to both the University and the State of Hawai'i should graduate student assistants become employees with the right to collectively bargain. These costs could extend to include, but would not be limited to, additional pension contribution costs and possible increases in health benefit costs. The current levels of compensation for graduate student assistants are competitive, taking into consideration tuition waivers and monetary stipends as well as the current opportunity for graduate assistants who have 50% appointments to enroll in the same health and benefit plans (medical, prescription drugs, dental, vision and life insurance) as employees. Graduate assistants who are also full-time students are exempt from the FICA tax.

As noted in prior testimonies, the legislature, University of Hawai'i, and state taxpayers must consider several issues when deliberating on the approach to allow university employed graduate student assistants to be included in collective bargaining.

First, from an employment perspective, the University's graduate student assistants are unlike any other employees of the State. Graduate student assistants are students employed as part of their education and training. Graduate student assistants are mentored and supervised by rank 3, 4, and 5 faculty members who hold a terminal degree such as a Ph.D. and have professional mastery in teaching and/or professional work in their respective academic disciplines. The role of a University faculty mentor is to teach graduate assistants how to engage the disciplinary subject matter with the goal of preparing them to find employment as academic professionals with competitive knowledge and skills in the discipline subject matter, and to position them to make contributions in their disciplines at national and international levels. A graduate student assistantship is a form of on-the-job training or apprenticeship training program with the purpose of mentoring a student with the explicit goal of increasing their competitiveness as they enter their professional academic career. A graduate assistantship is a time bound activity, lasting only as long as a student is enrolled in a graduate program.

Second, the State of Hawai'i and the University of Hawai'i must soberly consider the financial implications of student employees such as graduate student assistants in HRS, Chapter 89, the State's public sector collective bargaining law. There will be significant cost increases for both the University and the State of Hawai'i should the Legislature decide that student assistants are indeed employees with a right to collectively bargain. Graduate student assistants of the University are currently compensated via a package that includes a variety of benefits. Compensation for graduate student assistants varies upon individual circumstances of the student. In addition to their work stipends, graduate assistants receive tuition waivers that are valued between \$593 to \$1,770 per credit hour, per semester, depending upon their residency status, i.e., whether the student is a Hawai'i resident or non-resident. For example, UH Mānoa full time resident graduate student tuition ranges between \$7,116 to \$11,196 per semester while non-resident tuition ranges between \$17,160 to \$21,240 per semester. The monetary stipend that graduate assistants receive varies by the educational program in which they are enrolled. Graduate assistants who are 50% FTE may elect to participate in the medical, prescription drugs, dental, vision and life insurance programs at comparable premiums to members of bargaining units. The current level of compensation is a significant cost to the University and a significant amount of the financial assistance provided to graduate student assistants.

Third, because mandatory subjects of bargaining covers wages, hours, conditions of employment and fringe benefits, all such subjects shall now become "cost items" subject to legislative appropriations pursuant to HRS, §89-10(b). For example, membership in the State Employees' Retirement System as provided to employees in Chapter 88, HRS, will add pension contribution costs to the State and the employee. An increase in enrollment in the Employer-Union Trust Fund for health insurance benefits will increase expenses for the University for contributions, and to the State for total liability of the system. Additionally, all collectively bargained compensation may be treated as wages that will be subject to employment and income taxes – an issue graduate assistants may not be considering as it relates to the value of tuition waivers. The Legislature must consider the additional expenses incurred above the current operational costs in the creation of a 15th bargaining unit. Adding collective bargaining

components to graduate student assistants, who are first and foremost students and employed as an extension of their student experience at the University, will increase State general fund demand while simultaneously increasing University operational expenses.

Finally, since last legislative session, President Lassner met with representatives of the UH Mānoa Graduate Student Organization (GSO) in July and October 2015, and several other internal discussions have occurred to address the matters the GSO representatives conveyed on behalf of their members. The University's priority for a graduate assistant is degree completion. To consider and address the GSO concerns, the administration has been working with the chief academic officers and the UH Mānoa Office of Graduate Education on a proposed update to our procedure that addresses the GSO concerns regarding consideration of one year renewals instead of semester appointments as appropriate, earlier renewal date notifications, reminding supervisors to consider advance to next step on salary schedule for exemplary performance, recognition of need for outside employment at times, and work schedule adjustments for illness or emergency situations.

The Legislature must consider the current tuition waivers and compensation paid to graduate student assistants who are first and foremost students and employed as an extension of their education at the University. The proposed bill will increase expenses above current operational costs.

In summary, the University of Hawai'i opposes HB1940 HD 1 because graduate student assistants are students first and because of the significant cost implications for the State, the University, and the state's taxpayers.

Thank you for the opportunity to testify.

The Twenty-Eighth Legislature
Regular Session of 2016

HOUSE OF REPRESENTATIVES
Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
State Capitol, Conference Room 308
Wednesday, March 2, 2016; 11:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1940, HD1
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 **supports** H.B. 1940, HD1, which establishes a collective bargaining unit for graduate student assistants employed at the University of Hawaii.

UH graduate assistants are entitled by law and by the State Constitution to organize and form a union for purposes of collective bargaining. H.B. 1940, HD1 will create a new bargaining unit to allow graduate assistants the right to collective bargaining that other public employees enjoy. The fact that graduate assistants may not be employed in their positions for a long period of time should not deny them the right to be able to negotiate for wages, benefits, and working conditions as other public employees do.

The ILWU urges passage of H.B. 1940, HD1. Thank you for the opportunity to share our views on this issue.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
March 2, 2016

H.B. 1940, H.D. 1 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of allowing graduate student assistants employed by the University of Hawaii to be included in an appropriate collective bargaining unit, as proposed in H.B. 1940, H.D. 1.

Graduate assistants employed by the University have encountered numerous work related issues in the past, including budget set backs and increases in class size and workload, in addition to the high cost of living in Hawaii. The language proposed in H.B. 1940, H.D. 1 is the most viable as it not only removes the current exclusion of this group from collectively bargaining but also creates a unique bargaining unit with a dispute mechanism.

Thank you for the opportunity to testify in strong support of H.B. 1940, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

The Twenty-Eighth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Telephone: (808) 597-1441
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Testimony by
Hawaii State AFL-CIO
March 2, 2016

H.B. 1940, H.D.1 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports H.B. 1940, H.D.1, which establishes a collective bargaining unit for graduate student assistants employed at the University of Hawaii.

Having the ability to collectively bargain will give University of Hawaii graduate students a unified voice to discuss their working conditions, wages, and a number of other benefits to help improve their quality of life and work environment. Collective bargaining will help solve workplace problems and provide a grievance process to ensure each situation is handled appropriately and fairly. The Hawaii State AFL-CIO strongly urges the passage of H.B. 1940, H.D. 1.

Thank you for the opportunity to testify.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira
President



**Graduate Student Organization
University of Hawai'i at Mānoa**

Hemenway Hall 212 • 2445 Campus Road • Honolulu, HI 96822

Date: Wednesday, March 2, 2016
Time: 11:00 AM
Place: Conference Room 308

To: House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice Chair

Re: Support for HB 1940 - Relating to Collective Bargaining

Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance:

Thank you for this opportunity to provide testimony. My name is Jonathan Dial, and I am writing on behalf of and as the President of the University of Hawai'i at Mānoa (UHM) Graduate Student Organization (GSO), which represents the approximately 5,000 graduate students at the UHM campus.

I am writing in strong support of HB 1940, which seeks to secure collective bargaining rights for graduate assistants at UH. The role of graduate assistants is integral to the university's operation. They teach, research, and perform administrative work, but they are unfairly compensated for their labor and are vulnerable to exploitation and poor treatment.

Regardless of the elimination of the bottom steps of the pay scale for graduate assistants in 2013, the pay rate for any of the steps has not increased since 2003/2004. The current base pay (\$17,500/year) is just fifty-one (51) percent of the cost of living in Honolulu for graduate students, declared by the University to be nearly \$34,000/year in 2012. Given that these graduate assistant positions are intended to serve as means through which students can earn a living wage while pursuing their higher education, this is a major problem and setback for graduate students. Furthermore, the relatively short duration of these positions, while sometimes pointed to by critics as a rationale for graduate assistants not needing collective bargaining rights, actually make graduate assistants more vulnerable to exploitation. We also find that a climate of fear of retaliation amongst many graduate assistants leads them to refuse to speak out, especially in the forms of formal grievances or congressional testimony.

The circumstances have significant effects on students -- they deter potential students to attend UH and are also likely responsible for many students' decisions to leave UH and the state. Indeed, graduate student enrollment has significantly declined in recent years. Attempts by the GSO to improve these circumstances, especially pertaining to compensation, have been flatly denied by administration. Even a one-time adjustment in pay would not guarantee that similar problems would not continue to arise in the future. Through collective bargaining, this vulnerable population would be able to protect and promote its own interests, while simultaneously protecting the future of post graduate higher education for the state.

Based on all of these reasons, we strongly support HB 1940, and respectfully request that you pass this measure. Thank you for your time and consideration of this testimony.

Date: Wednesday, March 2, 2016
Time: 11:00 AM
Place: Conference Room 308

To: House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Re: Support for HB 1940 - Relating to Collective Bargaining

Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance:

My name is Anthony Mau, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB1940, which would grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I have been recently hired by the University of Hawaii to conduct research that is pertinent to the State of Hawaii. I have been paying for school with loans until now, but the actual cost of attendance outweighs the compensation we are given as a Research Assistant. We can only work 20 hours per week on the clock, yet if we want anything substantial to materialize, we would have to put in more hours—and in fact, we do put more time in than allotted (off the clock). This is unacceptable, especially considering the benefit the state has regarding the research being conducted on the daily basis.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation. The long history of failed attempts at improvements validates this. Our hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I respectfully request that you to support HB 1940.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

Anthony Mau
abmau@hawaii.edu
8085424061

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 11:58 AM
To: FINTestimony
Cc: simeroth@hawaii.edu
Subject: *Submitted testimony for HB1940 on Mar 2, 2016 11:00AM*

HB1940

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Simeroth	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 4:53 PM
To: FINTestimony
Cc: unheelim@gmail.com
Subject: *Submitted testimony for HB1940 on Mar 2, 2016 11:00AM*

HB1940

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Unhee Lim	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Date: Tuesday, February 9, 2016
Time: 2:00 PM
Place: Conference Room 309

To: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Writing in **SUPPORT for HB 1940 SD1** Relating to Collective Bargaining

Thank you for the opportunity to provide testimony. My name is Maja P. Schjervheim, and I am a graduate student at the University of Hawai'i at Mānoa (UHM) and Co-Chair of advocacy for the GSO. I am writing in strong support of HB 1940 SD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

During my time as Co-Chair of Advocacy for the GSO at UH Mānoa, I have met with and been approached by many graduate assistants (GAs) who are desperately seeking advice on how to cope with hours far beyond their contract, a lack of funds for basic living, and unpredictable or unsafe working conditions. The number of GAs who feel exploited and powerless in the UH system is shocking, as well as bad for the reputation of UH as a potential grad school for prospective new students. Graduate enrolment at UH Manoa has steadily declined since 2004, which is also the last time GA pay was adjusted for cost of living in Hawaii. Financially unfeasible GA conditions are likely to be one of the factors that are contributing to graduate enrolment.

I see three broad issues amongst the many graduate assistants who have had a hard encounter with their assistantships. The first is regarding wages that does not cover basic needs when you live in the increasingly expensive state of Hawai'i. This issue will be echoed by almost any GA you encounter. GAs, including myself, cannot afford basic food and housing on GA pay and often cannot get a second job because of demanding hours in their GA ship! I have met students who live on the couch in their student lounge or on the street while they work long hours for their GA ship.

That leads to the second issue of the extreme amount of hours many of UHM GAs are asked to work. Most contracts state that the GA is expected to work 20 hours a week. However the case for a large amount of GAs is that they are expected (often expressed explicitly by their employers) to work close to 40, 60 or even 80 hours a week without compensation. Such a workload is compromising the academic performance of students and keeps many from graduating at expected time. Moreover it is compromising their health and sanity! As a GA without a union you are completely powerless in resisting such demands.

The third issue that was expressed by many graduate assistants is the despair of working under unsafe or unstable working environments. A daunting amount of students have expressed having to put up with flaky or cruel bosses, arbitrary decisions, or harassment. Having a union would give GAs the support and security they need to have a safe and secure working environment.

Granting students the right to collectively bargain and forming a union will offer them a way to jointly work for these basic rights. Just the fact that so many students are afraid to speak the truth in front of the legislators shows you that the current system leaves room for exploitation and that these students deserve to be able to protect themselves from that. I believe forming a collective bargaining unit will give students some protection in a very skewed power balance. These students are a priceless part of University of Hawaii Manoa and they deserve at least the chance to stand together for better conditions. Many brilliant and hard working students have already quit or transferred to other universities because of unbearable conditions, which is a shame for UH as well as Hawaii's economy as a whole. Please help us and give graduate students a voice.

Respectfully submitted,

Maja P. Schjervheim
majaps@hawaii.edu

Date: Tuesday, February 2, 2016
Time: 9:30 AM
Place: Conference Room 309

To: House Committee on Labor
Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair

Re: Support for HB 1940 Relating to Collective Bargaining

Dear Chair Nakashima, Vice Chair Keohokalole, and Members of the House Committee on Labor and Public Employment,

Thank you for the opportunity to provide testimony. My name is Vera Hanaoka, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 1940 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

The salary for graduate students working as faculty members at UHM is not a living wage. I applied to several other graduate programs who offered me similar positions all with higher salaries in areas with lower cost of living than in Hawai'i. However, I chose to come to Hawai'i, due to the superior quality of the program. However, the cost of health insurance for my family of four, I have two young children, is 40% of my paycheck and the rest of my salary goes toward paying for food and other expenses, while rent and utilities comes from our savings. In addition, graduate students have no paid or unpaid leave including, sick leave, family leave, or maternity leave. Despite the fact that graduate students do a large amount of the teaching at UHM they receive only a fraction of compensation contributing to the exploitive hierarchical system of higher education in this country. Several other public universities have recently granted collective bargaining agreements to graduate student faculty, I hope to see UHM follow suit.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation, and the long history of failed attempts at improvements proves this to be true. Our only hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I strongly urge you to support HB 1940.

Respectfully submitted,

Vera Hanaoka

Date: Tuesday, February 2, 2016
Time: 9:30 AM
Place: Conference Room 309

To: House Committee on Labor
Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair

Re: Support for HB 1940 Relating to Collective Bargaining

Dear Chair Nakashima, Vice Chair Keohokalole, and Members of the House Committee on Labor and Public Employment,

Thank you for the opportunity to provide testimony. My name is Jeanette Hall and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 1940 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

As a graduate assistant for the past four years, it has been impossible for me to meet the cost of living in Hawai'i, despite working multiple jobs. My teaching assignments in particular have required working hours far above the hours for which I've been compensated. Graduate students are a necessary part of the university, and their labor is often invisible. This also makes it incredibly challenging to complete our degrees in a timely fashion, given the addition of multiple part-time jobs necessary to make ends meet. The need for us to collectively bargain is essential. The poor treatment of graduate students has gone on for too long.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation, and the long history of failed attempts at improvements proves this to be true. Our only hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I strongly urge you to support HB 1940.

Respectfully submitted,

Jeanette Hall
halljt@hawaii.edu

Date: Wednesday, March 2, 2016
Time: 11:00 AM
Place: Conference Room 308

To: House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Re: Support for HB 1940 - Relating to Collective Bargaining

Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance:

My name is Hannah Liebreich and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB1940, which would grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I support this bill because of my personal experiences being sick last semester. I was hospitalized for two weeks due to my appendix rupturing, and when I emailed my supervisor at my graduate assistantship, I was told that I was missing too much work, and that I would likely be put on unpaid leave. Consequently, I had to return to work a week before my doctor recommended. I write about this very personal experience because currently graduate assistants are not afforded sick leave. This is unfair and has a truly serious impact on our everyday lives. If GA's receive the right to collectively bargain, we will be able to negotiate better working conditions; including sick leave. It is my hope that by passing HB 1940, other graduate assistants will not face what I went through in the future.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation. The long history of failed attempts at improvements validates this. Our hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I respectfully request that you to support HB 1940.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

Hannah Liebreich
hannahli@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 8:15 PM
To: FINTestimony
Cc: gammatoc@gmail.com
Subject: Submitted testimony for HB1940 on Mar 2, 2016 11:00AM

HB1940

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Cooney	Individual	Support	No

Comments: I strongly support unionization of graduate students at UH Manoa. This bill would enable them to organize and fight for equitable treatment. Currently they are at the mercy of individual employers that often misuse and abuse them. This must change.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Committee on Finance

House of Representatives of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D Collins

Wednesday, March 2, 2016
Support H.B. 1940, Relating to Collective Bargaining

My name is Lance D. Collins. I am an attorney in private practice. I strongly support this bill.

Graduate students perform the same work as other public employees who work for the University of Hawai'i. In most instances, this work is done with the same level of supervision or less as other public employees at the University of Hawai'i. The only difference between graduate student employees and others is that the graduate students have no protection from arbitrary and capricious employment decisions and often must suffer poor and sometimes illegal working conditions to maintain their employment.

Over the years, the University has stated that its purpose for graduate assistantships is to train and mentor graduate students for their professional careers. Taking collective action for the betterment of working conditions and collective bargaining should be included in that training. Being subject to arbitrary and capricious employment decisions and poor and abusive working conditions only trains graduate students to accept that such harmful conduct is a necessary component to academic life – when it, in fact, is not.

In 1968, the people of Hawai'i amended the Hawai'i State Constitution to provide public employees the right to collectively bargain. Article XIII, Section 2 of the Hawai'i State Constitution. Nevertheless, the implementing statute has been interpreted to exclude graduate students from the ambit of the public employee collective bargaining statute.

That interpretation exceeds the powers of the legislature and violates such a right. “[T]he framers [of the constitution] were not in favor of granting the legislature the ultimate power to deny the right to organize for the purpose of collectively bargaining.” *UPW v. Yogi*, 101 Haw. 46, 52 (2002)

HB 1940 will amend Chapter 89, HRS, to properly include graduate students in their own collective bargaining unit so that they may exercise their constitutional right to organize and collectively bargain for better working conditions.

Mahalo.

//

Date: Wednesday Mar 2, 2016
Time: 11:00 AM
Place: Conference Room 309

To: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Writing in **SUPPORT for HB 1940 SD1** Relating to Collective Bargaining

Thank you for the opportunity to provide testimony. My name is Maja P. Schjervheim, and I am a graduate student at the University of Hawai'i at Mānoa (UHM) and Co-Chair of advocacy for the GSO. I am writing in strong support of HB 1940 SD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

During my time as Co-Chair of Advocacy for the GSO at UH Mānoa, I have met with and been approached by many graduate assistants (GAs) who are desperately seeking advice on how to cope with hours far beyond their contract, a lack of funds for basic living, and unpredictable or unsafe working conditions. The number of GAs who feel exploited and powerless in the UH system is shocking, as well as bad for the reputation of UH as a potential grad school for prospective new students. Graduate enrolment at UH Manoa has steadily declined since 2004, which is also the last time GA pay was adjusted for cost of living in Hawaii. Financially unfeasible GA conditions are likely to be one of the factors that are contributing to graduate enrolment.

I see three broad issues amongst the many graduate assistants who have had a hard encounter with their assistantships. The first is regarding wages that does not cover basic needs when you live in the increasingly expensive state of Hawai'i. This issue will be echoed by almost any GA you encounter. GAs, including myself, cannot afford basic food and housing on GA pay and often cannot get a second job because of demanding hours in their GA ship! I have met students who live on the couch in their student lounge or on the street while they work long hours for their GA ship.

That leads to the second issue of the extreme amount of hours many of UHM GAs are asked to work. Most contracts state that the GA is expected to work 20 hours a week. However the case for a large amount of GAs is that they are expected (often expressed explicitly by their employers) to work close to 40, 60 or even 80 hours a week without compensation. Such a workload is compromising the academic performance of students and keeps many from graduating at expected time. Moreover it is compromising their health and sanity! As a GA without a union you are completely powerless in resisting such demands.

The third issue that was expressed by many graduate assistants is the despair of working under unsafe or unstable working environments. A daunting amount of students have expressed having to put up with flaky or cruel bosses, arbitrary decisions, or harassment. Having a union would give GAs the support and security they need to have a safe and secure working environment.

Granting students the right to collectively bargain and forming a union will offer them a way to jointly work for these basic rights. Just the fact that so many students are afraid to speak the truth in front of the legislators shows you that the current system leaves room for exploitation and that these students deserve to be able to protect themselves from that. I believe forming a collective bargaining unit will give students some protection in a very skewed power balance. These students are a priceless part of University of Hawaii Manoa and they deserve at least the chance to stand together for better conditions. Many brilliant and hard working students have already quit or transferred to other universities because of unbearable conditions, which is a shame for UH as well as Hawaii's economy as a whole. Please help us and give graduate students a voice.

Respectfully submitted,

Maja P. Schjervheim
majaps@hawaii.edu

Date: Wednesday, March 2
Time: 11:00 AM
Place: Conference Room 309

To: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Re: **Support for HB 1940 SD 1** Relating to Collective Bargaining

I am a graduate student in the department of physics. I am engaged in a state of the art neutrino experiment, which leads me to travel to the east coast many times a year. Long hours and dedication are expected as a physics graduate student and I accept this as part of the ritual of getting a PhD. However, as I enter my 5th year of studies I have come to recognize, along with every single other graduate student in my department that something is terribly wrong.

Even with “summer overload” (this is extra pay you can obtain by working summers as a graduate student) my pay is **8000 dollars under the poverty line**. If you factor in the fact that Hawaii is an extremely expensive state, I cannot house or nourish myself properly. Many graduate are homeless and eat nothing but bread, cheese, rice or other cheap starchy foods. Considering the fact that our jobs provide cheap highly skilled labor for the university that provides mountains of income for our university, this is nothing short of shameless.

I myself have been told by my department to only write a maximum of 20 hours a week into my hourly time sheet even though I usually work 60 to 84 hours a week. In fact, in my last three trips to Washington I worked 12 hours a day for three weeks straight and was told that I could not have any breaks, as we always seem to be undermanned and under a great deal of scheduling pressure. Again, this kind of dedication is a lot easier when your not struggling to eat or pay bills.

As a consequence of our shameless pay and lack of worker rights, we have lost so much talent in the last few years as top students have avoided our institution due to poor word of mouth concerning the working conditions. These problems are not insulated, as graduate students campus wide are having similar issues in their departments. An impression has gathered that departments have colluded to keep wages very low for graduate students.

Please help us and support this bill. It is not a far stretch to say that workers who are threatened, poorly paid, and without rights constitutes an unjust work environment.

I want to stress that I have the up-most respect for my supervisor and the faculty in my department for the opportunity they have given me. They are an extremely talented group of professors. Many of them have expressed their distaste at the practice of the institution. I believe that this bill is the best thing not only for us, but also for the faculty, the University, and for Hawaii.

Thank you for your consideration,

-John Koblanski

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 9:59 AM
To: FINTestimony
Cc: riddhi@hawaii.edu
Subject: Submitted testimony for HB1940 on Mar 2, 2016 11:00AM

HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Riddhi Shah	Individual	Support	No

Comments: Date: Wednesday, March 2, 2016 Time: 11:00 AM Place: Conference Room 308 To: House Committee on Finance Representative Sylvia Luke, Chair Representative Scott Y. Nishimoto, Vice Chair Re: Support for HB 1940 - Relating to Collective Bargaining Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance: My name is Riddhi Shah, and I am an international graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB1940, which would grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH). I am come from India, where there is a strong culture of unionization for students and laborers. Students have collectively bargained successfully for multiple rights such as better wages, healthcare and better working hours. If there is something United States can learn from India is how collective bargaining has benefitted its people though it is by far a younger democracy compared to this nation. Often lines between students and laborers are blurred. This most certainly is the case at the University of Hawai'i at Manoa. Student labour is exploited by the university, which refuses to guarantee even most basic standards of living to its employees. Building and prospering on free labour is deeply entrenched in American history. One must look only so far as the history of slavery and plantation workers on this island to understand how labour is systematically devalued by people in positions of power, who most benefit of it. Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation. The long history of failed attempts at improvements validates this. Our hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I respectfully request that you to support HB 1940. Thank you for your time and consideration of this testimony. Respectfully submitted, Riddhi Shah. riddhi@hawaii.edu # 808 745 9786

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 10:08 AM
To: FINTestimony
Cc: dkrasky@gmail.com
Subject: Submitted testimony for HB1940 on Mar 2, 2016 11:00AM

HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Don Krasky	Individual	Support	No

Comments: The cost of living in Hawaii is much higher than the rest of the country. While my graduate assistant stipend would allow me to survive most other places, it is barely enough here. Collective bargaining would give me and others in my position the power necessary to bring this issue to the administration.

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Date: Wednesday, March 2, 2016

Time: 11:00 AM

Place: Conference Room 308

To: House Committee on Finance

Representative Sylvia Luke, Chair

Representative Scott Y. Nishimoto, Vice Chair

Re: Support for HB 1940 Relating to Collective Bargaining

Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance:

My name is Ed Hoogland, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 1940 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

Graduate assistants at UH perform essential functions, such as teaching and research, yet are paid poorly. In a 2012 survey conducted by the UHM Graduate Student Organization (GSO), 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. Furthermore, graduate students have little job security, since they are rehired each year, and sometimes each semester. They also are not afforded sick days or family leave. As a result, sick graduate student employees risk being fired if they choose to stay home in order to avoid spreading illness to students. There is a real fear of retaliation.

The right to organize used to be an honored one, not one taken for granted or carelessly written off based on age, occupation or number of hours worked. The University of Hawai'i at Mānoa employs about 2000 graduate students as teaching assistants. We depend on this income for survival. In the recent past, the university has taken the easier method of balancing the budget by keeping its graduate assistants (GAs) as casual labor with no right to appeal unjust release. Please help grant GAs collective bargaining rights so that they can potentially form a union and write a fair collective agreement. When disputes occur, neutral mediators can arbitrate them. The alternative is a poor image for

the university, where student teachers have to demonstrate just to be heard by the administration. A more equal power relationship leads to better agreements, harmonious working conditions, and stability.

If we think of the employer-employee relationship like a marriage between equals, then the correct decision is clear: fair treatment through collective bargaining for honest work done on campus. In a marriage where only one person makes decisions by decree, we call it abusive. When will we stop the abuse of student teachers?

For these reasons, I strongly urge you to support HB 1940.

Respectfully submitted,

Ed Hoogland
EH30@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 10:56 AM
To: FINTestimony
Cc: keithgs@hawaii.edu
Subject: *Submitted testimony for HB1940 on Mar 2, 2016 11:00AM*

HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Scott	Individual	Support	No

Comments:

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Date: Wednesday, March 2, 2016
Time: 9:45 AM

To: House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Re: Support for HB1940 Relating to Collective Bargaining

My name is Benton Rodden, and I am the Employment and Compensation Chair for the graduate organization, as well as a Graduate Student. I am writing to you today to express my strong support for HB1940, which would grant Graduate Students the right to collective bargaining.

In my capacity as Employment and Compensation Chair for the Graduate Student Organization (GSO), I have spoken with numerous graduate students about the grievances they have with the University. They fall into the following categories:

- Graduate Assistants are not provided guaranteed sick days and have been threatened with termination for calling in sick.
- Graduate Assistants are not provided paid sick leave and have threatened with unpaid sick leave if they do not check out of the hospital earlier than advisable.
- Graduate Assistants are routinely pressured to work overtime hours that they are not paid for.
- Graduate Assistants are, on average, paid two to six weeks late.
- Graduate Assistants are not permitted any paid parental leave.
- Graduate Assistants are not compensated enough to afford the minimum cost of living.
- Graduate Assistants are hired for short terms without the security of being rehired and with the knowledge that they may have their assistantships terminated midway through the academic year.

We seek collective bargaining simply because the above list of grievances represents the very issues labor unions have addressed for countless workers. For us, this is a very pragmatic decision.

Graduate Assistants have not received a pay increase since 2004, during which time the cost of living according to the consumer price index (CPI) has increased 74%. The current pay amounts to 43% of the minimum living wage for a single person. Compared to the University's peer and benchmark institutions, this leaves UH at second to the bottom. UH is only able to compete with the University of Mississippi, which happens to be in a right to work state.

University management has argued that Graduate Assistants are not employees of the University of Hawai'i. The majority of teaching assistants (TA) are in charge of

teaching their own classes. They do all the grading and lecturing, as well as design the syllabus and maintain decorum in the classroom. Our research assistants are often working on independent projects of their own at the direction of an assigned supervisor. Other Graduate Assistants are working in administrative offices performing the same duties as any administrative office worker.

Graduate Assistants in every role meet the common law test's criteria for employment as well as the so-called ABC test's criteria. Graduate Assistants do not control their own hours and have employment taxes withheld from their State of Hawai'i issued paychecks. Graduate Assistants are required to attend trainings and undergo periodic evaluations. A Graduate Assistants' supervisor, often a University recognized employee, controls the means and manner in which a Graduate Assistant carries out their work.

Some have taken issue with the temporary nature of our positions. I want to make clear that we are here not in spite of this, but precisely because the temporary nature of our jobs places us in a position of particular vulnerability. Negotiating longer terms of employment would be a priority of any union that should form. Guarding against the exploitation of temporary workers ought to be a goal of this body as well.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation, and the long history of failed attempts at improvements proves this to be true. Our only hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I strongly urge you to support HB1940.

Thank you for your time and the opportunity to express my opinion.

Respectfully submitted,

Benton Rodden
bentonrodden@gmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 10:55 AM
To: FINTestimony
Cc: afnorman@hawaii.edu
Subject: *Submitted testimony for HB1940 on Mar 2, 2016 11:00AM*

HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Noman	Individual	Support	No

Comments:

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Cc: bp32@hawaii.edu
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HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bret Polopolus-Meredith	Individual	Support	No

Comments: I have spent about \$8000 more per year working as a graduate assistant at the University of Hawaii than I would have at comparable universities or almost any university. My wife and I have decided to move out of state this summer. Transferring to an out of state university will set my graduation back about two years. But the total cost of my degree will be much less than staying at UH. The graduate student population and number of applications has declined in recent years. I believe this is due to the extreme difference between pay and cost of living.

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Sent: Tuesday, March 01, 2016 4:10 PM
To: FINTestimony
Cc: saritarai2015@yahoo.com
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HB1940

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sarita Rai	Individual	Support	No

Comments:

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LATE

Date: Tuesday, February 2, 2016
Time: 9:30 AM
Place: Conference Room 309

HB 1940

To: House Committee on Labor
Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair

Re: Support of HB 1529 Relating to Collective Bargaining

Dear Chair Nakashima, Vice Chair Keohokalole, and Members of the House Committee on Labor,

Thank you for the opportunity to provide testimony. My name is Nicholas Chagnon, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 1529, which seeks to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I have worked at the university for six years, as a teaching assistant, research assistant, and adjunct faculty. I have not once received a pay increase that was not the result of switching jobs. In fact, my net pay decreased several times due to increases in our insurance premiums. When I first came here, I lived in unsafe housing with poor wiring and could barely afford groceries. I often had to delay in buying staple foods such as milk and bread, because I could only afford to cover my rent at the time. Eventually, I was forced to take out student loans to supplement my income. Because of this, I face a student debt of over \$100,000 when I graduate. I would like to stay in Hawaii after graduation, and work to make this state a better place for all. However, I may not be able to considering the job opportunities here in relation to this debt that I will have to pay off each month.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation. The long history of failed attempts at improvements validates this. Our hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I respectfully request that you to support HB 1940.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

Nicholas J Chagnon, ABD
Lecturer, UH Manoa Sociology
Graduate Assistant, UH Manoa Women's Studies