



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

April 4, 2016

TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE
For Hearing on Tuesday, April 5, 2016
2:31 p.m., Conference Room 308

By

JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

**Senate Bill No. 2398, S.D. 2 H.D. 2
Relating to Collective Bargaining**

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

S.B. No. 2398, S.D. 2, H.D.2 would establish a collective bargaining unit for
graduate student assistants employed by the University of Hawaii (UH) with a delayed
formation date of the collective bargaining unit until July 1, 2017.

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

- Unlike other employees, 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 UH graduate students as collective bargaining unit 15 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.

Based upon the above, OCB respectfully requests that this measure **be held**.

Thank you for the opportunity to testify on this important measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Finance
April 5, 2016 at 2:31 p.m.

By

Risa E. Dickson, Vice President for Academic Planning and Policy
University of Hawai'i System

SB 2398 SD2 HD2– RELATING TO COLLECTIVE BARGAINING

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

We hereby provide the following testimony on Senate Bill 2398 Senate Draft 2 House Draft 2 – Relating to Collective Bargaining which proposes to amend Hawai'i Revised Statutes §89-6, to create a new bargaining unit 15 entitled “Graduate student assistants employed by the University of Hawaii.”

The University opposes this measure.

“...graduate student assistants are students first and employees second.” This statement, from Governor’s Message No. 1328, dated July 13, 2015 articulates one of the concerns and issues raised in Governor David Ige’s Statement of Objections to House Bill 553 which he vetoed in 2015. The current bill continues to be objectionable because it is still incomplete and potentially causes legal and administrative problems. A student graduate assistantship is not a career position within government service, unlike all other employees in the established fourteen (14) collective bargaining units under HRS, §89-6. There 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 when tuition waivers, monetary stipends, and other benefits are taken into account. Graduate student assistants with 50% appointments are eligible for the same health and benefit plans (medical, prescription drugs, dental, vision and life insurance) as state employees. Graduate assistants who are full-time students are exempt from the FICA tax.

As noted in prior testimonies, the legislature, University of Hawai'i, and state tax payers 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 somberly consider the financial implications of including student employees such as graduate student assistants in 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 graduate 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. These include tuition waivers that depend on whether the graduate student is a Hawai'i resident or an out of state student and additional monetary stipends that vary by the educational program in which the graduate student is enrolled. Depending on residency and program, the value of the tuition and stipend received by the student is between a minimum of \$32,790 and a maximum of \$57,240, with a potential maximum value of \$73,812. 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, University of Hawai'i President Lassner met with representatives of the UH Mānoa Graduate Student Organization (GSO) in both July and October 2015. To address the GSO concerns, the administration has been working

with the chief academic officers and the UH Mānoa Office Graduate Education on a proposed revision to the procedures that addresses the GSO concerns. Among the items up for consideration are one year appointments and 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 the need for outside employment for many students, 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 student experience at the University. The proposed bill will increase expenses above the current operational expenses.

In summary, the University of Hawai'i opposes SB 2398 SD2 HD2 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.



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

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

Date: April 5, 2016
Time: 2:31 p.m.
Place: Conference Room 308

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

Re: Support for SB 2398, SD2, HD2 - Relating to Collective Bargaining

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

Thank you for this opportunity to provide testimony. My name is Jonathan Dial, and I am writing on behalf 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 SB 2398, SD2, HD2 which seeks to secure collective bargaining rights for graduate assistants at UH. As you know, 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. They are also 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 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 positions are intended to serve as means through which students can earn a living wage while pursuing their education, this is a major problem 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 these employees 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.

These circumstances deter potential students. They 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 these reasons, we strongly support SB 2398, SD2, HD2.

Respectfully submitted,

Jonathan Dial
UH Mānoa Graduate Student Organization, President



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

April 5, 2016

S.B. 2398, S.D. 2, H.D. 2 –
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 S.B. 2398, S.D. 2, H.D. 2.

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 S.B. 2398 is the most viable legislation 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 to resolve differences in negotiations.

Thank you for the opportunity to testify in strong support of S.B. 2398, S.D. 2, H.D. 2.

Respectfully submitted,

Randy Perreira
Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441
Fax: (808) 593-2149

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

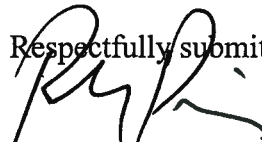
Testimony by
Hawaii State AFL-CIO
April 5, 2016

S.B. 2398, S.D.2, H.D.2 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports S.B. 2398, S.D.2, H.D.2, 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 S.B. 2398, S.D.2., H.D.2.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President

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
Tuesday, April 5, 2016; 2:31 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2398, SD2, HD2
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 **supports** S.B. 2398, SD2, HD2, which establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii and delays formation of the graduate student assistant collective bargaining unit until 7/1/2017.

As employees of the University of Hawaii, UH graduate assistants are entitled by law and the State Constitution to organize and form a union for purposes of collective bargaining. The first step will be to create a new bargaining unit, which S.B. 2398, SD2, HD2 will do to allow graduate assistants the right to collective bargaining that other public employees already 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 negotiate for wages, benefits, and working conditions as other public employees do.

The ILWU urges passage of S.B. 2398, SD2, HD2. Thank you for the opportunity to share our views on this issue.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 6:50 AM
To: FINTestimony
Cc: mikegolojuch808@gmail.com
Subject: Submitted testimony for SB2398 on Apr 5, 2016 14:31PM

SB2398

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments: Strongly support this bill.

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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From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 9:03 AM
To: FINTestimony
Cc: puaalaikahoni@gmail.com
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pua'ala Pascua	Individual	Support	No

Comments:

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Jade M. S. Delevaux, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I am a PhD candidate at the University of Hawaii. I strongly support this bill as I was victim of power and intellectual abuse while I worked as a research assistant for a professor at the University Hawaii. 1 year before defending my dissertation, I was terminated by my advisor on no solid ground (except for the fact that we all knew she could be emotionally unstable) and my whole dissertation was taken away from me in 3 days. Luckily for me the former Dean of the University was also a professor in my Department and took me under his wing when my department was basically forcing me to drop out of school. I had to recreate a whole new dissertation. Today I am able to fund myself though an outside job as a consultant while doing my PhD on the side. I still plan on graduating by the end of this year but not thanks to my former advisor or Department chair. Another department hired me and another professor took me under her leadership and mentorship. I was lucky and I had the reputation of being hard worker which worked in my favor. However, not everyone has this advantage. No student should have to go through what I experienced for the sake of learning and getting a degree.

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 SB2398.

Respectfully submitted,

Jade Delevaux
808-372-5794

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 1:17 AM
To: FINTestimony
Cc: ashleigh.smith.mn@gmail.com
Subject: Submitted testimony for SB2398 on Apr 5, 2016 14:31PM

SB2398

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ashleigh Smith	Individual	Support	No

Comments: Dear Chair Luke, Vice Chair Nishimoto, and Members of the House Committee on Finance: Thank you for the opportunity to provide testimony. My name is Ashleigh Smith, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH). 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 SB2398.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2016 10:23 PM
To: FINTestimony
Cc: jkkeliip@hawaii.edu
Subject: Submitted testimony for SB2398 on Apr 5, 2016 14:31PM

SB2398

Submitted on: 4/3/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Keliipaakaua	Individual	Support	No

Comments: 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 SB2398.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 03, 2016 1:36 PM
To: FINTestimony
Cc: simeroth@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/3/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

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

Comments:

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Date: Tuesday, April 5, 2016
Time: 2:00 PM
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

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 SB2398 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 SB2398.

Respectfully submitted,

Jeanette Hall
halljt@hawaii.edu

Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Billie Lee and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

My graduate career is dependent on my income as a graduate assistant. Yet, the income that we receive is not enough to live on in the state of Hawai'i. In addition, our GAships are not guaranteed year after year. Many of us live in a constant state of precarity that our graduate careers will not be able to continue if we are not to receive our GAships. Furthermore, many of us juggle two or three jobs, or accumulate tremendous debt just to complete our degree and to enter a competitive and dwindling job market. We need a higher living wage as graduate students.

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 SB2398.

Respectfully submitted,
Billie Lee
Blee7@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 9:17 PM
To: FINTestimony
Cc: anirvon@gmail.com
Subject: Submitted testimony for SB2398 on Apr 5, 2016 14:31PM

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Anirvan Shukla	Individual	Support	No

Comments: I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 8:52 PM
To: FINTestimony
Cc: kathleentatem7@gmail.com
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Tatem	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 4:43 PM
To: FINTestimony
Cc: vli2@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Viacheslav Li	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 4:14 PM
To: FINTestimony
Cc: sforte@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sean Forte	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 3:58 PM
To: FINTestimony
Cc: ssmith22@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Smith	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 02, 2016 2:48 PM
To: FINTestimony
Cc: jwruss@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/2/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Walsh Russell	Individual	Support	No

Comments:

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Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Penn Pantumsinchai, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I have been a teaching assistant and graduate assistant at UHM. While I am very grateful for the opportunity, I have been overworked without compensation and have often times been afraid of losing my position as I was up for review every semester. At the same time, I was making below the living wage of Hawai'i, thus forcing me to work another job in addition to my UHM position and taking classes. Such a condition is not conducive to the learning environment UHM desires, and has severely delayed my graduation. Graduate assistants need collective bargaining in order to improve on such conditions and be safeguarded against administrative retaliation. Simply working directly with administration is not sufficient, as they have said that they would help us but in reality, have turned on their words and have done nothing. We need collective bargaining, and we need it now.

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 SB2398.

Respectfully submitted,

Penn Pantumsinchai
ppantum@hawaii.edu

Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

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 SB2398 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 SB2398.

Respectfully submitted,

Vera Hanaoka

Date: April 4th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Casey Jones, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

I was fortunate to have an exceptional experience at UH as an undergraduate student. My talents and abilities were recognized by the faculty and I was invited into the graduate program as a PhD student. As a PhD, I was guaranteed two years of funding, specifically as a Research Assistant. This was also an excellent experience for me. Once the two years of funding was completed, I was mysteriously dropped from the lab of the principle investigator (PI) on the project. I have since been able to find another advisor in my department who will help me finish my degree if I have guaranteed funding. The only support I have to do this is by teaching, which is only guaranteed semester by semester. It is my belief that situations like mine will be less common if high achieving graduate students like myself are recognized beyond the short term dollar value. By investing in graduate students as assets, the university will be investing in long term contributions to the true value of the universities attractiveness, nationally and internationally. The small but vital step in passing SB2398 is vital to the growth and success of the university. Collective bargaining with the university administration will move the institution forward. For these reasons, I strongly urge you to support SB2398. I stand behind SB2398 with my testimony as I stood behind the UH campus smoking ban with my testimony when it was passed. Thank you for your time and commitment in serving the great state of Hawaii.

Respectfully submitted,

Casey Jones
Jonesc22@hawaii.edu

Date: Tuesday, April 5th, 2016
Time: 2:31PM

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

Re: Support for SB2398 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 in Political Science. I am writing to you today to express my strong support for SB2398, 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. In 2012 85% of graduate students surveyed were “very interested” in “joining a student collective bargaining organization.”

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 near the bottom. UH is only able to compete with Mississippi State University and the University of South Florida, Tampa.

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 Assistant's supervisor, often a University recognized employee, controls the means and manner in which a Graduate Assistant carries out their work. Graduate Assistants further qualify as employees under HRS 377-1 and HRS 377-4.6(C). While the "students first employees second" argument makes for a good theoretical discussion of identity, the law is quite clear on this topic.

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 SB2398.

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

Respectfully submitted,

Benton Rodden
bentonrodden@gmail.com

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
SENATE BILL NO. 2398, S.D. 2, H.D. 2

LATE

April 5, 2016
2:31 p.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.



LATE

The House Committee on Finance
Tuesday, April 5, 2016
2:31 P.M., Room 308

RE: SB 2398, SD2, HD2 Relating to Collective Bargaining

Attention: Chair Sylvia Luke, Vice Chair Scott Nishimoto and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the committee to **support passage of SB 2398, SD2, HD2**, that amends Section 89-6 of the Hawai'i Revised Statute to advance the interests of graduate assistants. These employees are essential to instruction and research that contributes to the overall success of the University of Hawai'i. Graduate Assistants are employees in the full sense of the term with continuing access to positions based on job and academic performance.

UHPA supports the rights of graduate assistants to organize and collectively bargain. Such a right is consistent with the labor tradition in our state and is compatible with an academic environment whereby the majority of employees have access to representation.

UHPA supports the passage of SB 2398, SD2, HD2.

Respectively submitted,

Kristeen Hanselman
Executive Director

**University of Hawaii
Professional Assembly**

LATE

Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Kostantinos Stamoulis, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

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 SB2398.

Respectfully submitted,

Kostantinos Stamoulis
kostanti@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 8:15 PM
To: FINTestimony
Cc: jfennick@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

LATE

SB2398

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jake Fennick	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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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2016 5:01 PM
To: FINTestimony
Cc: bp32@hawaii.edu
Subject: *Submitted testimony for SB2398 on Apr 5, 2016 14:31PM*

SB2398

Submitted on: 4/4/2016

Testimony for FIN on Apr 5, 2016 14:31PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bret Polopolus-Meredith	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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LATE

Date: April 5th, 2016
Time: 2:00pm
Place: Conference Room 308

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

Re: Support for SB2398 Relating to Collective Bargaining

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

Thank you for the opportunity to provide testimony. My name is Maria DelGreco, and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB2398 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

In my department of ten graduate students, myself and at least two other fellow graduate students were harassed, stalked, threatened, and assaulted by a professor. When it came time to file a formal complaint against him, we felt that his rights were more important than ours because he is part of a union. We felt discouraged to report and we were not properly told our rights. Additionally, an investigation that was supposed to take sixty days is now in its fifth month because he keeps requesting extensions and the title ix investigators must do everything they can to make sure he is not being treated unfairly or else his union rights would be violated and he could appeal or sue. It is not acceptable that a professor who abused his power in such an abhorrent way has more rights than the vulnerable students that he abused.

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 SB2398.

Respectfully submitted,

Maria DelGreco
delgreco@hawaii.edu
978 857 0539