



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

March 16, 2015

**TESTIMONY TO THE**  
**SENATE COMMITTEE ON HIGHER EDUCATION AND THE ARTS &**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**

For Hearing on Tuesday, March 17, 2015  
2:00 p.m., Conference Room 224

By

**JAMES K. NISHIMOTO**  
**OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR**

**House Bill No. 553, HD1**  
**Relating to Collective Bargaining**

**CHAIRPERSONS BRIAN TANIGUCHI & GILBERT KEITH-AGARAN, VICE CHAIRS**  
**LORRAINE INOUE & MAILE SHIMABUKURO AND MEMBERS OF THE**  
**COMMITTEES:**

Thank you for the opportunity to provide testimony on H.B. No. 553, H.D.1.

The purpose of H.B. 553, H.D.1 is to create collective bargaining unit (15) for graduate student assistants employed by the University of Hawai'i.

The Office of Collective Bargaining (OCB) submits the following **CONCERNS:**

Unlike other career members of a bargaining unit, the University has submitted that a graduate student's employment is temporary and similar to an on-the-job training or apprenticeship training program. The Office of Collective Bargaining concurs that being a graduate student is not a career or profession and there is no long-term expectation of a career as a graduate student. Instead, it is expected that graduate

students will progress in their degree work, obtain their diplomas and seek regular employment in their respective career fields. Graduate students, therefore, are not the same as other bargaining unit members.

Additionally, since mandatory subjects of collective bargaining cover wages, hours, conditions of employment and fringe benefits, all such subjects shall now become negotiable and subject to legislative appropriation pursuant to HRS §89-10(b). Stipends that are currently provided by the University to graduate students could become negotiable cost items along with possible contributions to the Employer-Union Health Benefits Trust Fund and other cost items.

Moreover, establishing UH graduate students as collective bargaining unit (15) may potentially open the flood gates to other groups that are currently excluded from negotiations and may possibly want to seek eligibility to collectively bargain. For example, student helpers, substitute teachers and other state employees currently excluded from collective bargaining could seek eligibility. This would potentially increase the cost items subject to legislative appropriation.

Based on the foregoing, OCB respectfully requests that this measure be held.

TESTIMONY BY WESLEY K. MACHIDA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE SENATE COMMITTEES ON HIGHER EDUCATION AND THE ARTS  
AND JUDICIARY AND LABOR  
ON  
HOUSE BILL NO. 553, H.D. 1

March 17, 2015

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 create a new bargaining (15) for graduate student assistants.

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. If it is determined that this new bargaining group would be subject to binding arbitration (which is not specified in this measure), the ability of UH to manage this important resource would be further reduced.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Before the  
Senate Committees on Higher Education and the Arts  
and  
Judiciary and Labor  
Tuesday, March 17, 2015 at 2:00 p.m.  
By Dr. Risa Dickson  
Vice President for Academic Affairs  
and  
Kalbert Young  
Vice President for Budget & Finance  
University of Hawai'i

### HB 553 HD1 – RELATING TO COLLECTIVE BARGAINING

Chairs Taniguchi and Keith-Agaran, Vice Chairs Inouye and Shimabukuro, and Members of the Senate Committees on Higher Education and the Arts and Judiciary and Labor:

We hereby provide the following testimony regarding House Bill 553, HD 1 – Relating to Collective Bargaining which proposes to amend HRS, §89-6, to create a new bargaining unit 15 to allow “graduate student assistants employed by the University of Hawai‘i” to be included in public sector collective bargaining as provided for in HRS, Chapter 89. The University opposes this measure.

In deliberating on the approach to allow university-employed graduate student assistants to be included for collective bargaining, there are several issues that the Legislature, the University, and the State taxpayers must consider. From an employment perspective, first consider the rationality of requiring the State and University to collectively bargain employment with employed students – in this case, graduate student assistants. The University’s graduate student assistants are unlike any other employees of the State. Graduate student assistants are student learners employed as part of their education and training. Graduate student assistants are mentored and supervised by rank 3, 4, and 5 Faculty members who all hold Ph.D.’s and have many years of proven professional competence and experience, including evidence of proficiency in teaching. Part of the role of University mentors 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 skills in areas such as research, teaching, database management, etc. A graduate assistantship is a form of on-the-job training or apprenticeship training program. Most faculty have completed a teaching or research assistantship as part of their graduate education. A research assistantship is a time bound activity, lasting only as long as a person is enrolled in a graduate program. There are not long term career opportunities for graduate student assistants at the University.

The duties and assignments of a graduate assistant differ from that of a faculty member. Our faculty members in ranks 3, 4, and 5 who mentor graduate student assistants are professionals required to teach classes and/or develop research programs without supervision or oversight. The purpose of an assistantship is to train and mentor a student in

specific skill sets with the explicit goal of increasing their competitiveness as they enter their professional academic career. .

Secondly, from a statutory consistency perspective, there are issues that are not fully addressed in the legislation including, the mechanism for dispute resolution or impasse procedure (i.e., right to strike or interest arbitration) under HRS, §89-11. Three (3) of the fourteen (14) existing bargaining units have the right to strike while all other bargaining units are subject to interest arbitration. The creation of a new bargaining unit 15 will require the Legislature to determine whether the unit will have the right to strike or be subject to interest arbitration for dispute resolution, as well as, defining recognition, representation, and employee participation under HRS, §89-8.

Thirdly, 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. Current compensation for graduate student assistants varies upon individual circumstances of the student. University graduate student assistants receive tuition waivers that are valued between \$458 to \$1,382 per credit hour per semester, depending upon their residency status. Factors such as whether the student is a Hawai'i resident or non-resident will increase the value of the tuition waiver benefit. For example, full time resident graduate student tuition ranges between \$5,500.00 to \$9,000.00 per semester while non-resident tuition ranges between \$13,400.00 to \$16,600 per semester. Graduate student assistants may also receive a monetary stipend that can vary by the educational program in which they are enrolled. 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.

Mandatory subjects of bargaining include wages, hours, conditions of employment and fringe benefits, and all 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, may add pension contribution costs to the State and employee. As with other bargaining unit members, enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University for contributions, and to the State for total liability of the system. Additionally, all compensation collectively bargained for can 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 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.

Senate Committee on Higher Education and the Arts  
HB553 HD1: Relating to Collective Bargaining  
Page 3 of 3

We respectfully request the Senate Committees on Higher Education and the Arts and Judiciary and Labor defer any further action on this measure.

Thank you for the opportunity to testify on this bill.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Before the  
Senate Committees on Higher Education and the Arts  
and  
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Tuesday, March 17, 2015 at 2:00 p.m.  
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University of Hawai'i

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Senate Committee on Higher Education and the Arts  
HB553 HD1: Relating to Collective Bargaining  
Page 3 of 3

We respectfully request the Senate Committees on Higher Education and the Arts and Judiciary and Labor defer any further action on this measure.

Thank you for the opportunity to testify on this bill.



Date: March 17, 2015

Time: 2:00 PM

Place: Conference Room 224

To: Senate Committee on Higher Education and Arts  
Senator Brian Taniguchi, Chair  
*and* Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair

Re: Support with comments for HB 553 HD1 Relating to Collective Bargaining

My name is Michelle Tigchelaar, and I am writing on behalf and as the President of the University of Hawai'i at Mānoa (UHM) Graduate Student Organization (GSO). The GSO represents the approximately 5,000 graduate students at the UH Mānoa campus. I am writing in strong support of HB 553 HD1, which creates a new bargaining unit for graduate assistants of the University of Hawaii.

Graduate students critically contribute to the various missions of UH, by serving as Teaching Assistants for our undergraduate students, and working on world-class research projects as Research Assistants. Collectively these positions are known as Graduate Assistants (GAs). In spite of their critical role however, GAs at UH are poorly paid. In a 2012 survey conducted by the GSO, 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. The pay scale for graduate assistants is not regularly adjusted for inflation or increases in living expenses, and a review of the current pay scale is not due until 2018. Furthermore, graduate students have little job security, since they are rehired on an annual, and sometimes even semesterly, basis. They also are not afforded sick days or family leave. GAs are thus in an extremely vulnerable position, with few options to raise grievances.

We are currently barred from our constitutional right to collective bargaining by Section 89-6 of the Hawaii Revised Statutes, which excludes all student help from coverage. This is however not reflective of the type of work that we (versus other types of student help) perform, and contrary to national trends. Since the late 1960s, many states around the country have extended public employee collective bargaining rights to GAs. In 2012, approximately 65,000 graduate student employees were organized at 28 institutions of higher education in the public sector, representing about one-fifth of all GAs.

The companion bill to HB 553, SB 638, has been amended to include a working group to study the rights and privileges that graduate assistants would bargain for. It is the GSO's stance that such a working group is not necessary. If granted collective bargaining rights, UH Mānoa graduate assistants would specifically aim to negotiate for:

Graduate Student Organization • University of Hawai'i at Mānoa  
Hemenway Hall 212 • 2445 Campus Road • Honolulu, HI 96822



- Regular and scheduled pay increases, e.g. 4% every 2-4 years
- Sick days, e.g. 5 per year
- Annual contracts (as opposed to semester-by-semester contracts) with an appropriate amount of notice for contract renewal
- Class sizes or research assignments in accordance with contractual workload (20 hours)
- An independent arbitration process to handle contract violations

Graduate assistants are *not* seeking to bargain for pension benefits. They are currently already receiving full tuition waivers, and presently have the same health benefits as offered to BU8.

Previous committees have raised the question whether graduate assistants fit in an existing bargaining unit (specifically, BU8), or whether a separate unit (BU15) should be created for them. It is the opinion of the GSO that both units have their advantages and disadvantages; ultimately, being granted the ability to bargain collectively is more important to us than which unit we do this from.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the university's teaching work. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. The GSO therefore strongly supports HB 553.

Thank you for the opportunity to testify.

Michelle Tigchelaar  
UH Mānoa Graduate Student Organization, President

Email: [mtigch@hawaii.edu](mailto:mtigch@hawaii.edu)  
Phone: (808) 724-1392

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HEA Testimony](#)  
**Cc:** [makahababy@aol.com](mailto:makahababy@aol.com)  
**Subject:** Submitted testimony for HB553 on Mar 17, 2015 14:00PM  
**Date:** Monday, March 16, 2015 12:33:52 PM

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**HB553**

Submitted on: 3/16/2015

Testimony for HEA/JDL on Mar 17, 2015 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sara Perry	UH Student Caucus	Support	No

Comments: Aloha, As an elected group of students, representing approximately 60,000 of our full and part time student peers within the University of Hawai'i system, we have collectively decided to support this bill, HB 553. Supporting our graduate students and their rights to collectively bargain within our system is an important issue. They should have rights no different from other University employees, and should not have to worry about job security issues as they focus on their educational pursuits. Mahalo for taking the time to hear this testimony, The UH Student Caucus Sara E. Perry, Chair

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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The Senate Committee on Higher Education and the Arts  
The Senate Committee on Judiciary and Labor  
Tuesday, March 17, 2015  
2:00 p.m.

**HB 553, HD 1, Relating to Collective Bargaining.**

Dear Chairpersons Taniguchi and Keith-Agaran and Committee Members:

The University of Hawaii Professional Assembly (UHPA) urges the committee to support passage of this proposed measure by amendments to the Hawaii Revised Statutes Chapter 90 that will advance the interests of graduate assistants. These employees are essential to instruction and research that contribute to the overall success of the University of Hawaii. 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.

Respectfully submitted,

Kristeen Hanselman  
Associate Executive Director

UNIVERSITY OF HAWAII  
PROFESSIONAL ASSEMBLY

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Web Page: <http://www.uhpa.org>



**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  
The Senate  
Committee on Higher Education and the Arts  
Committee on Judiciary and Labor

Testimony by  
Hawaii Government Employees Association  
March 17, 2015

H.B. 553, H.D. 1 – RELATING TO  
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of allowing graduate assistants employed by the University of Hawaii to be included in an appropriate collective bargaining unit, as proposed in H.B. 553, H.D. 1, however we respectfully raise legal concerns with the current H.D. 1.

The original H.B. 553 amended Ch. 89-6, Hawaii Revised Statutes by removing the exclusion of this group from collectively bargaining and allowing the group to unionize. However, the current version of H.B. 553 no longer removes the exclusion to Ch. 89-6, HRS and now establishes a new bargaining unit 15 for graduate student assistants employed by the University of Hawaii. We respectfully request the Committees to determine whether it is necessary to include the language in the original H.B. 553, in addition to, or in lieu of the current H.D. 1 language. Further, if the Committees keep the bargaining unit 15 language intact, appropriate amendments should also be made to Ch. 89-11, HRS regarding dispute resolution to reflect the Legislature's intent: whether the unit shall have the ability to strike or proceed to arbitration when there is no agreement.

We recognize that 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. Despite these issues, graduate assistants have not received a salary increase since 2004. Making necessary amendments to Ch. 89, HRS are the first necessary steps in allowing these employees to unionize and will ensure their rights as state workers.

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 Senate  
Committee on Higher Education and the Arts  
Committee on Judiciary and Labor

Telephone: (808) 597-1441  
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Testimony by  
Hawaii State AFL-CIO  
March 17, 2015

H.B. 553, H.D. 1 – RELATING TO  
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports H.B. 553, H.D. 1 which grants collective bargaining rights to graduate student assistants employed by the University of Hawaii. While this bill proposes to create a new bargaining unit, we defer to the wisdom of the Legislature as to whether it is most appropriate to create a new unit, include graduate assistants in an existing unit, or leave the placement determination to the Hawaii Labor Relations Board. In any case, we strongly believe that these graduate assistant employees should be entitled to bargaining rights.

Having the ability to collectively bargain will give UH graduate assistants 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. 553, H.D. 1.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira  
President



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Wil Okabe  
President  
Joan Kamila Lewis  
Vice President  
Colleen Pasco  
Secretary-Treasurer  
Alvin Nagasako  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEES ON  
HIGHER EDUCATION AND THE ARTS  
AND JUDICIARY AND LABOR

DATE: TUESDAY, MARCH 17, 2015

RE: H.B. 553, H.D. 1 - RELATING TO COLLECTIVE BARGAINING

PERSON TESTIFYING: JOAN LEWIS, VICE-PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chairs Brian Taniguchi, Karl Rhoads, Honorable Vice-Chairs Lorraine Inouye, Joy San Buenaventura and Members of the Committee:

The Hawaii State Teachers Association **supports H.B. 553, H.D. 1** which creates a collective bargaining (15) unit for University of Hawaii Graduate Student Assistants.

HSTA supports workers being organized and legislation that guarantees meaningful collective bargaining rights which protects workers against retaliation from fully participating in protected activities.

Thank you for the opportunity to testify.



From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
To: [HEA Testimony](#)  
Cc: [waimeavalleygirl@me.com](mailto:waimeavalleygirl@me.com)  
Subject: Submitted testimony for HB553 on Mar 17, 2015 14:00PM  
Date: Monday, March 16, 2015 11:54:07 AM

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### **HB553**

Submitted on: 3/16/2015

Testimony for HEA/JDL on Mar 17, 2015 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bonnyjean Manini	Individual	Oppose	No

Comments: Aloha Legislators, I am generally known as a strong supporter of student rights and student advocacy therefore, it is a surprise to those of them that know me well that I have submitted testimony in opposition to this bill. I hope they respect that like them, I must stand up for what I strongly believe. It is my philosophical belief that graduate students are offered positions to support the faculty in the execution of the educational/academic mission of the University. I do not believe their relationship with the University is intended to be that of labor. Graduate student positions should be viewed similarly to internships that provide students a practicum experience that further develops their skill sets so they can make a smoother transition to the workforce when they complete their degree programs. Today's graduate students may end up working in the academy (teaching and doing research) or in another field. The skill sets they gain through the completion of academic coursework as well as through practicum or hands-on work experience will benefit them as they transition to full-time professional careers. It is a known fact that most industries value applicants who have combined in class coursework with practicum/internship type experiences prior to applying for full-time work experience. In fact, in some programs a practicum/internship/hands-on work experience is a requirement prior to graduation due to industry demand. The primary relationship graduate students have with the University is that of student and not that of labor. Supporting unionization for graduate students is redefining the relationship the University has with graduate students from one of educational institution with student to one of educational institution with labor. I urge the legislature not to pass this bill. Passing this bill may open the door for individuals across many fields seeing internship experiences, meant to further develop their skill sets before they enter the field/profession full-time, as ones where they should be allowed to unionize. If there are challenges and problems graduate students within public higher education face, even to the point that they feel exploited, please consider a bill that mandates UH executives to more clearly define in policy the relationship of graduate students with the University, including what types of duties and support must be provided to them. A unionization bill is not the answer. Mahalo for your time and consideration of my testimony.

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 17, 2015  
Time: 2:00 PM  
Place: Conference Room 224

To: Senate Committee on Higher Education and the Arts  
Senator Brian Taniguchi, Chair  
Senator Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

Re: Support of HB 553 HD1 Relating to the University of Hawaii

My name is Bret Polopolus-Meredith, and I am a graduate assistant (GA) at University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 553 HD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

Personally, I have no preference whether BU15 is created for graduate student employees or whether the Hawai'i Labor Relations Board (HLRB) decides the appropriate BU. A strong case could be made for BU8 as the responsibilities and duties of graduate student employees is similar or even the same as teachers, researchers, and administrators who are 'non-faculty' personnel. What is most important is that graduate assistants finally be granted their rights to collectively bargain.

A study or working group is not necessary. The issue of collective bargaining for graduate students has been studied. Further, one only has to look at the contracts negotiated by other graduate unions such as at the University of California or University of Oregon.

Graduate assistants want regular raises of about 4% every 2 years or so. We need about 5 sick days a year. We would like UH to favor annual contracts. We would like to negotiate for an appropriate notification deadline for contract renewals. We want our duties and responsibilities, such as class size, to correspond to a 20-hour week. We want our assigned tasks to be appropriate to our employment description. We want an independent arbitration process for contract violations. We would prefer the right to arbitration rather than strike, however this is a point that UH and GAs should bargain over and may concede.

We do not want retirement benefits or pensions. We would not even become vested in ERS as typical graduate students finish their PhDs in five to seven years and are not always graduate assistants for the entirety. We do not want vacation time.

I have estimated, as best I could, the potential increased costs to the UH budget as a result of graduate assistant collective bargaining. Although, it is my opinion that UH will have to increase the graduate assistant pay scale eventually, regardless of collective bargaining, as the minimum pay at UHM is currently \$17,502 and UH Hilo is currently \$14,382 for 9-month hires. The 2015 federal poverty guideline for a 1-person household in Hawai'i is \$13,550.

Based on a preliminary report from the 2012 UHM Strategic Planning Committee approximately half of the graduate assistants at UHM are funded from extramural sources. However, the percent of externally funded graduates may be slightly lower or higher as there has been a recent reduction of 47 GA positions. There were 1351 GA positions at UHM in fall 2012. The Office of Graduate Education provided a preliminary estimate of 1304 GA positions at UHM in 2014.

Based on 1351 GA positions, I would estimate a \$2M increase to the total GA pay for a 4% raise. The cost to internal UH funding sources would be about \$1M.

The other primary costs to UH are for tuition waivers and insurance benefits. Graduate assistants already receive full tuition waivers, so there would not be an additional cost as a result of collective bargaining. The cost for granting five sick days per year should be minimal and be outweighed by a benefit to public health.

The graduate assistant health insurance benefit is based off of BU8. If graduate student employees were placed in BU8 then there would not be an increased cost to UH for health insurance. Even if placed in BU15, the premium could remain the same. If Hawaii State were to begin paying for GA fringe benefits, the number of employees added to EUTF would possibly be around 600-700 because half of the GAs are externally funded including their fringe benefits. There would be no impact on ERS as graduate students are not interested in retirement benefits and would not become vested. Most PhDs are finished within 5-7 years.

I estimate that over two years would pass until a negotiated contract would take affect if graduate assistants were granted the right to collectively bargain in Summer 2015. First, graduate assistants would need to organize. As many graduates are away during the summer, organizing would likely take place in fall 2015. HLRB would need time to determine an appropriate bargaining unit. Negotiations with UH might begin as early as late spring 2016. A pay raise might be agreed to in fall 2016, but would likely not take affect until fall 2017.

The University of Hawai'i already treats graduate student employees as a collective. The compensation scale is set for all graduate assistants. The benefits are the same. Yet, we are denied collective negotiations to improve our lot. This denies graduate students a voice in affairs that directly affect them. This causes a fundamental imbalance of power in the relationship between students and the university. This imbalance is exacerbated when we must also rely upon the university for our sole livelihood. Graduate student employees are not allowed to take second jobs that could offset remedial pay and benefits.

Graduate student employees teach classes, perform research, and work in administration while progressing toward a degree. They are extremely busy performing duties that benefit undergraduates, faculty, and administration. Graduate students should not have to protest and hold three-day sit-ins to prevent the sudden and unannounced elimination of jobs as was done in November 2014. There should not be long periods between raises to the graduate compensation scale, especially when other income options are stymied. Graduate students should not be forced to spend time away from degree progress to plan protests over substandard pay, benefits, work conditions, and job security simply because we cannot negotiate collectively.

Thank you for the opportunity to testify.

Respectfully submitted,  
Bret Polopolus-Meredith  
bp32@hawaii.edu  
808-304-9334

Date: Tuesday, March 17, 2015

Time: 2:00 PM

Place: Conference Room 224

To: Senate Committee on Higher Education and the Arts

Senator Brian Taniguchi, Chair

Senator Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor

Senator Gilbert Keith-Agaran, Chair

Senator Maile Shimabukuro, Vice Chair

Re: Support of HB 553 HD1 Relating to Collective Bargaining

My name is Edward Hoogland and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 553 HD1 which allows University of Hawai'i (UH) graduate students to be included in an appropriate collective bargaining unit.

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. The pay scale for graduate assistants has not been increased since 2003/2004. 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.

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 TAs as casual labor with no right to appeal unjust release. Please help grant TAs 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?

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore support HB 553 HD1.

Respectfully submitted,  
Edward Hoogland  
EH30@hawaii.edu  
(317) 997-0588

Senator Brian T. Taniguchi, Chair  
Senator Lorraine R. Inouye, Vice Chair  
Committee on Higher Education and the Arts

Senator Gil S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Committee on the Judiciary and Labor

Senate of the State of Hawai'i

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

Tuesday, March 17, 2015  
Support H.B. 553, 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)

In previous testimony this session, the attorney general opined that merely removing graduate assistants from the “student help” exclusion in HRS 89-6(f) is legal but that it be preferable to expressly include them in an existing bargaining unit or create a new bargaining unit. The university's day-to-day management of graduate assistants treats them for all relevant purposes already as members of Unit 8 and if HRS 89-6 were merely amended to eliminate graduate assistants from its exclusion, graduate assistants would be Unit 8 employees likely subject to a supplemental agreement. Adding them into a new bargaining unit would require a number of other modifications to statute including impasse and dispute resolution.

HRS 88-43 should also be amended to add language which expressly excludes graduate assistants from membership in the employee retirement system. Both the average age and length of service of graduate assistants together with the fact that most departments do not hire their own graduates to tenure track positions after graduation makes membership in the employee retirement system to be meaningless.

All other issues should be left to bargaining between the representative of the graduate students and management. There is little need to study these issues. Graduate students have been coming to the legislature for several decades seeking the power to bargain over wages, working conditions and other matters. Previous attempts were stopped by the suggestion of studying the matter further. No study has ever been conducted. It is unclear what value if any a study will have for the legislature since items for bargaining for present represented public employees are generally not listed in statute.

Mahalo.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HEA Testimony](#)  
**Cc:** [letendre@hawaii.edu](mailto:letendre@hawaii.edu)  
**Subject:** Submitted testimony for HB553 on Mar 17, 2015 14:00PM  
**Date:** Saturday, March 14, 2015 11:48:20 AM

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**HB553**

Submitted on: 3/14/2015

Testimony for HEA/JDL on Mar 17, 2015 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynette LeTendre	Individual	Comments Only	No

Comments: I am a student at UHMC and also on UH Caucus. I support HB 553

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](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HEA Testimony](#)  
**Cc:** [mjgolo@email.phoenix.edu](mailto:mjgolo@email.phoenix.edu)  
**Subject:** \*Submitted testimony for HB553 on Mar 17, 2015 14:00PM\*  
**Date:** Saturday, March 14, 2015 11:50:32 AM

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**HB553**

Submitted on: 3/14/2015

Testimony for HEA/JDL on Mar 17, 2015 14:00PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	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 17, 2015  
Time: 2:00 PM  
Place: Conference Room 224

To: Senate Committee on Higher Education and the Arts  
Senator Brian Taniguchi, Chair  
Senator Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

Re: Support of HB 553 HD1 Relating to the University of Hawaii

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 HB 553 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. My friends who live on the mainland are often shocked at how expensive things are in Hawai'i. \$6 for a gallon of milk? As a result, I end up having to make many cuts and compromising a healthy lifestyle as a result. For myself and many others in similar situations, apartment hunting here is an absolute nightmare. Unless you are willing to sacrifice important things such as security, safety, convenience, and many other factors that make up a healthy living environment, the money received as a graduate assistant is not enough.

The pay scale for graduate assistants is not scheduled for review until 2018, and a pay raise is certainly not guaranteed. 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. Moreover, as an international student with family living overseas in Thailand, I cannot easily go home if there is a family emergency.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore support HB 553.

Respectfully submitted,  
Penn Pantumsinchai  
ppantum@hawaii.edu

Date: Tuesday, February 17, 2015

Time: 2:00 PM

Place: Conference Room 224

To: Senate Committee on Higher Education and the Arts

Senator Brian Taniguchi, Chair

Senator Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor

Senator Gilbert Keith-Agaran, Chair

Senator Maile Shimabukuro, Vice Chair

Re: Support of HB 553 HD1 Relating to the University of Hawaii

Hello! My name is Ryan Dorrill and I am a Research Assistant at the University of Hawai'i at Manoa. I am writing in strong support of SB 553 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

Despite strong warnings from my advisors at Johns Hopkins that the pay here was far below adequate, I came to UH in 2012 as a TA. Since then, I made so many awesome friends and been a part of a great community here in Hawaii. The other graduate students, professors, and students are excellent people and I feel honored to be welcomed into their community. With that said, the workload varies from department to department, but in our group we're expected to teach two classes a semester - up to 40 students! - prepare quizzes and homeworks for the students, and do all the grading single-handedly. This is in addition to our own graduate-level class-work, meetings, and research. Yet despite these responsibilities, many of my colleagues and I cannot afford housing and groceries without additional jobs, savings, or income from our families. I've seen some talented researchers go without essential medical care because they couldn't afford it. Others have left and moved to better schools.

Though I love my life here in Hawaii, I asked the Senate to consider that graduate students are an integral part of the UH system and that we at least deserve the power to bargain for fair wages and benefits. While the school demands millions more each year for athletics, while it gives away construction contracts without a second thought, while departments like the politically-connected Medical School over-spend their budgets by \$10 million, they insist they cannot scrounge up the meager funds to raise their TA and RA pay scales - even just to fight inflation.

For the better of our community and the growth of our university, something must be done or it will be impossible to support research here at the university.

Respectfully,  
Ryan Dorrill

dorrill@hawaii.edu  
808-780-2705

Date: Tuesday, February 17, 2015  
Time: 2:00 PM  
Place: Conference Room 224

To: Senate Committee on Higher Education and the Arts  
Senator Brian Taniguchi, Chair  
Senator Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

Re: Support of HB 553 HD1 Relating to the University of Hawaii

My name is Victor Ruthig and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 553 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. The pay scale for graduate assistants is not scheduled for review until 2018, and a pay raise is certainly not guaranteed. 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.

From my own experience I have been in an assistantship position for the past four academic years. Although I am very grateful for my tuition waiver, my stipend is not enough to live on in Honolulu. My first year of graduate school I worked part time as a bartender to make up the difference, this ended up being unsustainable as it had a very negative impact on my ability to focus on school. So instead I made cuts, and have continued to do so for the past three years I have consistently minimized and cut my monthly budget any way that I can food, utilities rent etc; deferred any and all maintenance and health related things until they are absolutely necessary; and continued to charge things on credit cards and do balance transfers when I get 0.00% interest offers as a way of managing my growing debt as I attempt to plow through graduate school as quickly as possible.

As you can imagine all this financial stress has had an impact on my health, I get some minor illness (colds, URI and the like) once ever 2-3 months. Normally this wouldn't be a problem but since I need to be at work unless it is something horribly debilitating I go in sick. I don't have any evidence that I have infected my students with a cold but I'm sure they would prefer it if I just stayed home instead of coughing and sneezing during their entire class.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore support HB 553.

Respectfully submitted,  
Victor Ruthig

Victor Ruthig, MS, PhD Candidate  
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