



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
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

For Hearing on Tuesday, March 17, 2015
10:00 a.m., Conference Room 309

By

JAMES K. NISHIMOTO
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

Senate Bill No. 638, SD1
Relating to Collective Bargaining

CHAIRPERSON MARK M. NAKASHIMA, VICE CHAIR JARRETT KEOHOKALOLE AND
MEMBERS OF THE HOUSE COMMITTEE LABOR & PUBLIC EMPLOYMENT:

Thank you for the opportunity to provide testimony on S.B. No. 638, S.D.1.

The purpose of S.B. 638, S.D.1 is to establish UH graduate students as collective bargaining unit (15) effective 12/31/2016, and to require the director of human resources development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature.

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 and tuition waiver that are currently provided by the University to graduate students would likely 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.

Finally, the requirement that the Chief Negotiator of the Office of Collective Bargaining establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature would more appropriately be contained in a resolution, not a bill for an act; and it is therefore requested that consideration be given to converting SB 638 to a resolution. Furthermore, from a process standpoint, the working group should probably submit their recommendations prior to the establishment of the new collective bargaining unit, not after. Once the collective bargaining unit (15) is established, it will be subject to the provisions of Chapter 89, Hawai'i Revised Statutes.

Nevertheless, should the requirement for a working group move forward, it would be more appropriate for the chief negotiator, office of collective bargaining to lead in establishing a working group.

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 HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
SENATE BILL NO. 638, S.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 remove the exemption from collective bargaining for graduate students employed by UH.

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



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Before the
House Committee on Labor and Public Employment
Tuesday, March 17, 2015 at 10:00 am
By Dr. Risa Dickson
Vice President for Academic Affairs
and
Kalbert Young
Vice President for Budget & Finance
University of Hawai'i

SB 638 SD1 – RELATING TO COLLECTIVE BARGAINING

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

We hereby provide the following testimony regarding Senate Bill 638, Senate Draft 1 – Relating to Collective Bargaining which proposes to amend HRS, §89-6, to create a new bargaining unit (15) to effectively 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 included in an appropriate bargaining unit, effective 12/31/16; and requires the Director of the State's Department of Human Resources Development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the Legislature. 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

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

Secondly, from a collective bargaining perspective, there still remains outstanding statutory issues that will need to be addressed. For example, the definition of the employer and employer votes under HRS, §89-6(d) if such a new bargaining unit 15 were to be created. In addition, the resolution of disputes and impasses for this new bargaining unit 15 would need to be determined. Currently, three (3) of the existing fourteen (14) existing bargaining units (i.e. Units 1, 5 and 7) have retained their right to strike while all other bargaining units are subject to interest arbitration (i.e. 2, 3, 4, 6, 8, 9, 10, 11, 12, 13 & 14). Therefore, the other issues that would need to be addressed in the proposed legislation include the mechanism for dispute resolution and impasse procedure (i.e., right to strike or interest arbitration) for the new bargaining unit (15) under HRS, §89-11, and recognition, representation, and employee participation under HRS, §89-8.

Thirdly, the State of Hawai'i and the University of Hawai'i must somberly 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 such 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 are

employed as an extension of their student experience at the University, will increase State general fund demand while simultaneously increasing University operational expenses.

Finally, in the event that a collective bargaining unit (15) working group is created by the Director of Human Resources Development, the University respectfully requests that an equal amount of University officials be part of the working group.

We respectfully request the House Committee on Labor and Public Employment defer any further action on this measure.

Thank you for the opportunity to testify on this bill.



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

The Twenty-Eighth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

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

S.B. 638, S.D.1 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports S.B. 638, S.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 grad 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. 638, S.D.1.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
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 Labor & Public Employment**

**Testimony by
Hawaii Government Employees Association
March 17, 2015**

**S.B. 638, S.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 S.B. 638, S.D. 1, however we question a portion of Section 3 in the bill.

As drafted, Section 3 requires the Director of the Department of Human Resources Development to convene a working group to develop and make recommendations on the specific privileges to be granted to the graduate assistants. We respectfully question whether DHRD is the most appropriate agency to lead this important conversation, given that the graduate assistants are employed by and under the jurisdiction of the University System. Perhaps it would better suit the needs of the graduate assistants if the University or the Board of Regents were the primary lead, with DHRD providing assistance as needed.

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 the necessary amendments to Ch. 89, Hawaii Revised Statutes is critical in allowing these employees to unionize and will ensure their rights as state workers.

Respectfully submitted,


Randy Perreira
Executive Director



The House Committee on Labor & Public Employment
Tuesday, March 17, 2015
10:00 a.m.

SB 638, SD 1, Relating to Collective Bargaining.

Dear Chairperson Nakashima and Committee Members:

The University of Hawaii Professional Assembly (UHPA) urges the committee to support passage of a proposed measure to allow graduate assistants the right to collective bargaining. 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. SB 638, SD 1 compromises the clear right to engage fully in collective bargaining by establishing a committee that could recommend restricting on employee rights for a select group.

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 urges the committee to defer this measure.

Respectively submitted,

Kristeen Hanselman
Associate Executive Director

**UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY**

1017 Palm Drive • Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 • Facsimile: (808) 593-2160
Web Page: <http://www.uhpa.org>



Date: March 17, 2015

Time: 10:00 AM

Place: Conference Room 309

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

Re: Support with comments for SB 638 SD1 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 SB 638 SD1, 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 payscale 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.

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:

- Regular and scheduled pay increases, e.g. 4% every 2-4 years

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



- 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 SB 638.

Thank you for the opportunity to testify.

Michelle Tigchelaar
UH Mānoa Graduate Student Organization, President

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

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 12:35 PM
To: LABtestimony
Cc: makahababy@aol.com
Subject: Submitted testimony for SB638 on Mar 17, 2015 10:00AM

SB638

Submitted on: 3/16/2015

Testimony for LAB on Mar 17, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
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, SB 638. 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

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Representative Mark M. Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair
Committee on Labor and Public Employment

House of Representatives of the State of Hawai'i

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

Tuesday, March 17, 2015
Support S.B. 638, 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.” *UPIW v. Yagi*, 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
Sent: Friday, March 13, 2015 3:14 PM
To: LABtestimony
Cc: rainawhiting@gmail.com
Subject: *Submitted testimony for SB638 on Mar 17, 2015 10:00AM*

SB638

Submitted on: 3/13/2015

Testimony for LAB on Mar 17, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
K. Raina Whiting	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: 10:00 AM
Place: Conference Room 309

To: House Committee on Labor and Public Employment
Representative Mark Nakashima, Chair
and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

My name is Camila Ortega and I have been a graduate student at the University of Hawai'i at Mānoa (UHM) for five years. I am writing in strong support of SB638 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

We "graduate assistants" at UH perform essential functions, such as teaching and research, yet we are paid poorly. On my first year, 2010 I was paid under 20,000 a year, even though I was teaching and researching (in addition to taking courses). I was working over 60 hours a week, including the weekends. 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. Being this the main reason for us graduate assistants to request student loans. As a result by the end of my studies, I will owe over \$50,000 US dollars. 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.

Even though we are doing a high skilled job, we are paid less than minimum wage in one of the most expensive states in the United States. Monetary issues are one of the concerns graduate assistants have to deal with, which takes time out of our own studies, as we have to get a second job, juggling multiple activities throughout the week in order to have a decent living.

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 SB 638.

Respectfully submitted,
Camila Ortega
8643468050

Date: Tuesday, March 17, 2015

Time: 10:00 AM

Place: Conference Room 309

To: House Committee on Labor and Public Employment

Representative Mark Nakashima, Chair

and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

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 SB 638 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 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.

In order to support myself, I have had to take on multiple side jobs that have significantly impacted my studies. It has made it increasingly challenging to focus as I get further into my studies and move into the research phase. It takes most of the graduate students at UHM twice as long as compared to other research one institutions to complete their PhDs due to the inadequacy of pay in exchange for our labor.

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 SB 638.

Respectfully submitted,

Billie Lee
blee7@hawaii.edu
6468087676

Date: Tuesday, February 17, 2015
Time: 10:00 AM
Place: Conference Room 309

To: House Committee on Labor and Public Employment
Representative Mark Nakashima, Chair
and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawai'i

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 SB 638 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 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.

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 SB 638.

Respectfully submitted,
Victor Ruthig

Victor Ruthig, MS, PhD Candidate
Department of Anatomy, Biochemistry and Physiology
Program in Developmental and Reproductive Biology
Institute for Biogenesis Research
John A. Burns School of Medicine
University of Hawai'i at Mānoa
1960 East-West Rd.
Honolulu, HI 96822
E-mail: VRuthig@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 14, 2015 11:55 AM
To: LABtestimony
Cc: letendre@hawaii.edu
Subject: Submitted testimony for SB638 on Mar 17, 2015 10:00AM

SB638

Submitted on: 3/14/2015

Testimony for LAB on Mar 17, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lynette LeTendre	Individual	Comments Only	No

Comments: My name is Lynette LeTendre, I a student at UHMC and am on UH Caucus. I support the Bill SB638

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 14, 2015 3:47 PM
To: LABtestimony
Cc: pwegesen@hawaii.edu
Subject: Submitted testimony for SB638 on Mar 17, 2015 10:00AM

SB638

Submitted on: 3/14/2015

Testimony for LAB on Mar 17, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Pablo Wegesend	Individual	Support	No

Comments: My name is Pablo Wegesend and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing to support of SB 638, which will 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 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. Graduate Assistants are not afforded the same labor protections that faculty and staff are. That should change. I therefore support SB 638.

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Date: Tuesday, February 17, 2015
Time: 10:00 AM
Place: Conference Room 309

To: House Committee on Labor and Public Employment
Representative Mark Nakashima, Chair
and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 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 SB 638 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 has not been increased since 2003/2004. Having lived on the mainland, I am 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. As a single woman living alone, this can be very scary.

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 SB 638.

Respectfully submitted,
Penn Pantumsinchai
ppantum@hawaii.edu

Date: Tuesday, March 17, 2015

Time: 10:00 AM

Place: Conference Room 309

To: House Committee on Labor and Public Employment

Representative Mark Nakashima, Chair

and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

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 SB 638 SD1 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 SB 638 SD1.

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

Date: Tuesday, March 17, 2015
Time: 10:00 AM
Place: Conference Room 309

To: House Committee on Labor and Public Employment
Representative Mark Nakashima, Chair
and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

My name is Stacy Nojima and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB 638 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 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.

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 SB 638.

Respectfully submitted,
Stacy Nojima
stacytn@hawaii.edu

Date: Tuesday, March 17, 2015
Time: 10:00 AM
Place: Conference Room 309

To: House Committee on Labor and Public Employment
Representative Mark Nakashima, Chair
and Representative Jarrett Keohokalole, Vice Chair

Re: Support of HB 638 SD1 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 638 SD1 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: 10:00 AM

Place: Conference Room 309

To: Representative Mark Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

My name is Nicholas Chagnon, and I am a graduate student at UH Manoa. I work for the Women's Studies department as a graduate assistant; lecture as adjunct faculty for the Sociology Department; and serve as Co-Advocacy Chair for the Graduate Student Organization. I am writing in strong support of SB 638 SD1 to grant collective bargaining rights to graduate students employed by the University of Hawai'i.

The compensation scale for graduate assistants was increased every year from 1987/88 to 1992/93 and every three or four years between 1993/94 and 2003/2004. Policy set by President of the University of Hawai'i System has not scheduled the next review until 2018. The current minimum pay, \$17,500, is far below a living wage. It often forces graduate students to live in poverty conditions, affecting the quality of their work and the speed with which they are able to earn their degrees.

Graduate student employees are rehired each year, and sometimes each semester, many students are afraid to complain about being overworked and/or mistreated. Loss of employment midyear could be devastating as deadlines for financial assistance are either prior to the start of fall or early in the fall semester.

Graduate student employees have no say over insurance premiums. Our insurance premiums are higher than faculty yet constituting a more significant portion of our salary. Moreover, we 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.

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

Our interest in collective bargaining does not only relate to pay. Being able to negotiate for pay increases is of course a major reason why we want to collectively bargain. However, we are also concerned with job security, workplace conditions and treatment, and having a say in how our benefits are structured. These are basic rights that other workers at UH have. There is no reason that the university should not have to grant them to us.

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.

Nicholas Chagnon
PhD candidate, UHM Sociology
Research Assistant, UHM Women's Studies
Advocacy co-chair, UHM Graduate Student Organization
chagnon@hawaii.edu
956-7464

Date: Tuesday, February 17, 2015

Time: 10:00 AM

Place: Conference Room 309

To: House Committee on Labor and Public Employment

Representative Mark Nakashima, Chair

and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 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 638 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, 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 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 continue research here at the university.sss

Respectfully,
Ryan Dorrill
dorrill@hawaii.edu
808-780-2705

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 11:53 AM
To: LABtestimony
Cc: waimeavalleygirl@me.com
Subject: Submitted testimony for SB638 on Mar 17, 2015 10:00AM

SB638

Submitted on: 3/16/2015

Testimony for LAB on Mar 17, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
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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SBtestimony.txt

To: House Committee on Labor and Public Employment

Representative Mark Nakashima, Chair

and Representative Jarrett Keohokalole, Vice Chair

Re: Support of SB 638 SD1 Relating to the University of Hawaii

My name is Lisa Miller and I am a PhD student in Computer Science at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of SB 638 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, research, and administration 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. 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.

I was initially accepted to graduate school at a U.S. top-10 university for Computer Science. After a year there I had to return home to Hawai'i due to family issues (I am a single mother). I easily got into the graduate program at UHM as their best applicant for the year. However, I've been hit with the double whammy of the high cost of living here versus the mainland, and a 30% cut in graduate assistant pay compared to my first school.

Now I find myself with a large amount of financial aid debt and will end up with a degree from a much lower-tier program on my resume. It is only because of my family situation that I stay at UHM. Otherwise, I would transfer to a mainland school, get paid more while in school, graduate with less debt, and most likely get paid more in my future career.

I am concerned for my future, the future of graduate education at UHM, and for the State of Hawaii due to the poor pay and working conditions for graduate students at UHM. The lack of labor protections at the University is just another reason that Hawaii continues to have a "brain drain" of our best, brightest young people and to struggle to attract and keep high tech industries.

Graduate students are an integral part of the UH system and the State of Hawaii's future. 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 strongly support SB 638.

Respectfully submitted,
Lisa J. Miller
ljmiller@hawaii.edu