

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 638

February 25, 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.

As previously testified by Office of Collective Bargaining and UH, it is not clear what, if any, of the existing bargaining units this group should be placed. 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.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 638, RELATING TO COLLECTIVE BARGAINING.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 25, 2015 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Valri Lei Kunimoto, Deputy Attorney General

Chair Tokuda and Members of the Committee:

The Department has no legal objection to this bill, which provides graduate students employed by the University of Hawaii with the right to collectively bargain with their employer. The Department has concerns that the bill will not be able to accomplish its intended objective to allow the graduate students to organize for the purpose of collective bargaining and provides the following comments.

In order for public employees in Hawaii to bargain collectively, they must have the right to bargain and *be included in a bargaining unit*. Section 89-6, Hawaii Revised Statutes (HRS), defines the bargaining units for public employees. Two of the existing units, unit 07, faculty of the University of Hawaii and the community college system, and unit 08, personnel of the University of Hawaii and the community college system, other than faculty, have the Board of Regents as the public employer. Section 89-6(d), HRS. In prior testimonies, the State's Chief Negotiator and the University of Hawaii indicated their concerns that the graduate students do not fit within the definitions of the existing bargaining units and that the bargaining units need to be amended or a separate bargaining unit created to specifically include the graduate students, i.e., bargaining unit 15. The Department concurs and recommends that the bill be amended to include the graduate students in the definitions of an existing bargaining unit, or to create a separate bargaining unit for them. Providing the graduate students with the right to collectively bargain without addressing or resolving the designation of the appropriate bargaining unit will not accomplish the intent of this legislation.

Thank you for the opportunity to provide our testimony.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Before the
Senate Committee on Ways and Means
Wednesday, February 25, 2015 at 9:00 a.m.
By Dr. Risa Dickson
Vice President for Academic Affairs
University of Hawai'i
and
Kalbert Young
Vice President for Budget & Finance
University of Hawai'i

SB 638 – RELATING TO COLLECTIVE BARGAINING

Chair Tokuda, Vice Chair Kouchi, and Members of the Senate Committee on Ways and Means:

We hereby provide the following testimony regarding Senate Bill 638 – Relating to Collective Bargaining which proposes to amend HRS, §89-6, to effectively allow “graduate students employed by the University of Hawai'i” to be included in an appropriate bargaining unit.

In deliberating on the approach to allow university-employed graduate students to be included for collective bargaining, there are several issues that the Legislature, University and taxpayers should 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 assistants. The University’s graduate assistants are unlike any other employees of the State. First and foremost, they are students first - employees second. Graduate assistants are student learners. They are at the University to learn as much about their fields of study as their time and talents will allow. These graduate assistants are mentored and supervised by our 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 our efforts as University mentors is to teach graduate assistants the subject matter. An equal or large part of our efforts is devoted to turning them out as academic professionals with real job skills in research techniques, teaching expertise, database management, etc. They learn these essential skill sets while in their graduate assistant positions under the guidance and supervision of our current faculty employees. A graduate assistant is similar to an on-the-job training or apprenticeship training program. It is not a career or a profession, but the beginning stages most faculty must complete to pursue a career in higher education. There is no long term career opportunities for graduate assistants at the University.

As graduate assistants, their duties and work assignments differ significantly from that of our faculty members. Our faculty members in ranks 3, 4, and 5 who mentor graduate assistants are required to teach classes and/or develop research programs with

no supervision or oversight. There are at times consultation and interaction with other Faculty members depending on the department's teaching needs or research focus, but there is not supervision *per se*. A graduate assistant does not step into a classroom, laboratory, or field exercise without supervision of some kind. By comparison, senior teaching assistants may be capable of teaching a lecture section with little or no supervision because they have been mentored and trained to take on that type of assignment. Similarly, senior research assistants will undertake more complex roles without strict supervision or even have the capacity to develop new techniques as they grow into their roles. Our goal is to train and mentor graduate assistants to get them to that point where they can function as professionals and begin their academic careers.

Secondly, from a statutory consistency perspective, while the bill's description does describe that the purpose and intent of the proposed legislation is to allow UH graduate students to be included in an appropriate collective bargaining unit, this new classification of workers may not fall within any of the existing fourteen (14) categories of bargaining units under HRS, §89-6(a). Therefore, either the current categories will need to be amended or an additional bargaining unit would need to be created. In addition, three (3) of the fourteen (14) existing bargaining units have retained their right to strike while all other bargaining units are subject to interest arbitration. Therefore, some of the issues that would need to be addressed in the legislation includes but is not limited to, the definition of the employer and votes under HRS, §89-6(d) for graduate students and the mechanism for dispute resolution or impasse procedure (i.e., right to strike or interest arbitration) under HRS, §89-11.

Thirdly, the State of Hawai'i and the University of Hawai'i must also somberly consider the financial ramifications of allowing student employees such as graduate students into Chapter 89, HRS, collective bargaining. There will be significant cost increases for both the University and the State of Hawai'i should the Legislature decide to expand collective bargaining provisions to this currently non-bargaining class of employees.

Graduate students of the University are currently compensated via a package that includes a variety of benefits. Consider that current compensation for employed graduate students varies dependent upon individual circumstances of the student. University-employed graduate students receive tuition waivers that can be valued at between \$458 to \$1,382 per credit hour per semester, depending upon their resident (or non-resident) 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, a full time resident graduate student tuition can range from \$5,500.00 to \$9,000.00 per semester while non-resident tuition ranges from \$13,400.00 to \$16,600 per semester. They also may receive a monetary stipend that can vary by the educational program that they are associated with. The current level of compensation is not an insignificant cost to the University.

Since mandatory subjects of bargaining covers wages, hours, conditions of employment and fringe benefits, all such subjects shall now become "cost items" subject to legislative appropriations pursuant to HRS, §89-10(b). For example, membership in the State Employees' Retirement System as provided to employees in Chapter 88, HRS, will

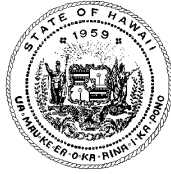
add pension contribution costs to the State and employee. As with other bargaining unit members, enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University for contributions and to the State for total liability of the system. Additionally, all compensation collectively bargained for can be treated as wages that will be subject to employment and income taxes.

The Legislature should consider the cost factor for additional expenses that will be incurred above the current operational costs. Adding collective bargaining components to this class of employees who are first and foremost student employees will increase State general fund demand while simultaneously increasing University operational expenses.

We respectfully request the Senate Committee on Ways and Means defer any further action on this measure.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
CHIEF NEGOTIATOR

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

February 24, 2015

**TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Wednesday, February 25, 2015
9:00 a.m., Conference Room 211

By

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

**Senate Bill No. 638
Relating to Collective Bargaining**

CHAIRPERSON JILL N. TOKUDA, VICE CHAIR RONALD D. KOUCHI AND
MEMBERS OF THE SENATE COMMITTEE ON WAYS AND MEANS:

(WRITTEN TESTIMONY ONLY)

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

The purpose of S.B. 638 is to allow UH graduate students to be included in an appropriate collective bargaining unit.

The Office of Collective Bargaining (OCB) submits the following concerns for consideration:

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. Being a graduate student is not a career or profession and there are no long-term expectation of a career as a graduate student. Instead, it is expected that the graduate student will progress in his or her degree work, obtain their diploma 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 "cost items" 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.

Based on the foregoing, OCB respectfully requests that this measure be given further consideration.



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 Ways and Means

Testimony by
Hawaii Government Employees Association
February 25, 2015

S.B. 638 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of allowing graduate students employed by the University of Hawaii to be included in an appropriate collective bargaining unit, as proposed in S.B. 638.

Graduate students 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 student employees have not received a salary increase since 2004. Amending Ch. 89-6, Hawaii Revised Statutes by removing the exclusion of this group from collectively bargaining is the first necessary step in allowing them 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

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

The Twenty-Eighth Legislature, State of Hawaii
Hawaii State Senate
Committee on Ways and Means

Testimony by
Hawaii State AFL-CIO
February 25, 2015

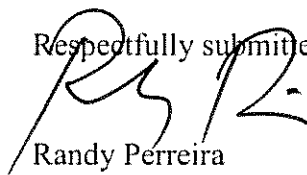
S.B. 638 – RELATING TO COLLECTIVE
BARGAINING

The Hawaii State AFL-CIO strongly supports S.B. 638 which allows UH graduate students to be included in an appropriate collective bargaining unit.

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.

Thank you for the opportunity to testify.

Respectfully submitted,



Randy Perreira
President



The Senate Committee on Ways and Means
Wednesday, February 25, 2015
9:00 a.m.

SB 638, Relating to Collective Bargaining.

Dear Chairperson Tokuda and Committee Members:

The University of Hawaii Professional Assembly 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 Assistances 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.

Respectively submitted,

Kristeen Hanselman
Association 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: February 25, 2015
Time: 9:00 AM
Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of SB 638 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, which allows graduate students of the University of Hawaii to be included in an appropriate collective bargaining unit.

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. A 2013 study of these unions, by three Rutgers University scholars, showed that they improve pay and professional support for graduate students, and have had a neutral to positive impact on student performance and perceptions of academic freedom.

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. 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

SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Adrian Franke	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 25, 2015
Time: 9:00 AM
Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

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

My name is 'Ale'alani Dudoit and I am a Master's 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, 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.

In some Universities faculty and staff have made unionism more familiar to campuses, however, graduate students still do not fit the demographic profile of traditional unionized labor. There are a number of beneficial effects of unionization:

- (a) Helps secure higher remunerations
- (b) Better benefits for hard working graduate students
- (c) Improve job security
- (d) Creates better working conditions
- (e) Prevents misuse of graduate assistants

Although some University administrators and associations opposed unionizations of graduate student employees due to the belief that it threatens academic freedom and harms the relationship between faculty and students, recent research suggests that unionization does not negatively affect academic freedom nor harms faculty-student relationships.

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 strongly support SB 638.

Respectfully submitted,
'Ale'alani Dudoit
al.dudoit@hawaii.edu

Date: Thursday, February 25, 2015

Time: 9:00 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of SB 638 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) and create bargaining unit 15 (BU15).

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 UH Hilo is currently \$14,382 for a 9-month hire. 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 decline in the number of 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 graduate assistant health insurance benefit is based off of BU8. The premium is similar to the faculty (BU7). It is unlikely there would be an increased cost as the result of allowing graduate assistants their right to collectively bargain.

I estimate that over two years would pass until a negotiated contract would take effect if HB553 HD1 were signed into law 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. The Hawai'i Labor Relations Board (HLRB) would need time to determine an appropriate bargaining unit. A strong case could be made for BU8 because the work we perform is similar or even the same. This process could take several months and last into or through spring 2016. 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 effect 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.

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

SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Claire Stabile	Individual	Support	No

Comments: Bradley Rentz Dear Senator Tokuda: My name is Claire Stabile and I am a doctoral student at the University of Hawai'i at Mānoa. I am writing in strong support of SB 638 to grant collective bargaining rights to graduate students employed by the University of Hawai'i. 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, 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. Graduate students in my department (linguistics) with graduate assistantships make roughly \$18,204 per year and receive a tuition waiver of roughly \$4968 per semester for 9 credits. That totals to about \$28,140 in total benefits and income per year. Most graduate assistantships are TAs. One TA in my department will teach a 3-credit class with 20 undergraduate students. For 3-credit class, a resident undergrad pays \$1230 and a non-resident \$3579. With 20 students in a class, one TA generates between \$24,600 and \$71,580 for university each semester. For the entire year one graduate student generates between \$49,200 and \$143,160 (depending on the number of non-resident students) in income for the university. After taking out the TAs total income (\$28,140) from this amount, the university still receives \$21,060 to \$115,020 from just one TA! Surely the university can afford to pay graduate students a living wage. 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 strongly support SB 638. Respectfully submitted, Claire Stabile cstabile@gmail.com

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Date: Wednesday, February 25, 2015

Time: 9:00 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

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

My name is Claudio Corti, and I am a graduate student at University of Hawai'i at Mānoa. I am writing in strong support of SB 638 to grant collective bargaining rights to graduate students employed by the University of Hawai'i.

The compensation scale for graduate assistants has not been increased since 2003/2004. Previously, the scale 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 scheduled the next review for 2018.

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.

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.

Name Claudio Corti
Email corti@hawaii.edu
Phone 8087212686

Date: Wednesday, February 25, 2015

Time: 9:00 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means

Senator Jill N. Tokuda, Chair

Senator Ronald D. Kouchi, Vice Chair

Re: Support of SB 638 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 SB 638 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.

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

SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Isis Usborne	Individual	Support	No

Comments: As an undergraduate student at UH Mānoa, I understand the importance of graduate student work. As an organizer with the union local 5, I understand the importance of collective bargaining in securing the wages, benefits, and respect that workers deserve. This will also increase the quality of education for students like me who take classes taught by knowledgeable but often overworked graduate students. Please pass this important bill.

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SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	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: Wednesday, February 25, 2015

Time: 9:00 AM

Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda Chair
Senator Ronald Kouchi, Vice Chair

Re: Support of SB 638 Relating to Collective Bargaining

My name is Kristine Jan Espinoza and I am a higher education administration graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in support of SB 638, which allows University of Hawai'i (UH) graduate students to be included in an appropriate collective bargaining unit. While I am not currently a graduate assistant, I do support my fellow graduate students in this cause.

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.

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.

Respectfully submitted,
Kristine Jan Espinoza
kjespino@hawaii.edu

SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Laiana Wong	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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Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair
Committee on Ways and Means

Senate of the State of Hawai'i

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

Wednesday, February 25, 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.” *UPW v. Yogi*, 101 Haw. 46, 52 (2002)

SB 638 will amend Chapter 89, HRS, to properly include graduate students so that they may exercise their constitutional right to organize and collectively bargain for better working conditions.

Mahalo.

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SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maaka	Individual	Support	No

Comments:

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Date: Wednesday, February 25, 2015

Time: 9:00 AM

Place: Conference Room 211

To: Senate Ways and Means Committee Chair Jill Tokuda and Senate Ways and Means Committee Vice-chair Ronald Kouchi

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

My name is Nicholas, 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 to grant collective bargaining rights to graduate students employed by the University of Hawai'i.

The compensation scale for graduate assistants has not been increased since 2003/2004. Previously, the scale 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 scheduled the next review for 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 not once received a pay increase that was not the result of switching jobs. In fact, my net pay decreased several times due to increases in our insurance premiums. When I first came here, I lived in unsafe housing with poor wiring and could barely afford groceries. I often had to delay in buying staple foods such as milk and bread, because I could only afford to cover my rent at the time. Eventually, I was forced to take out student loans to supplement my income. Because of this, I face a student debt of over \$100,000 when I graduate.

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

WAM Committee
Feb 25, 2015 9:00 AM
Room 211

To: Senator Jill N. Tokuda, Chair
Senator Ronald D. Kouchi, Vice Chair
Finance committee, Representative Sylvia Luke, Chair
Finance committee, Representative Scott Nishimoto, Vice-Chair

Re: Support of SB 638 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. 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,
Penn Pantumsinchai
ppantum@hawaii.edu

Date: Wednesday, February 25, 2015
Time: 9:00 AM
Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

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

My name is Richard Coleman and I am a Ph.D 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, 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.

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 strongly support SB 638.

Respectfully submitted,
Richard Coleman
Richard.colema@gmail.com

SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

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

Comments:

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SB638

Submitted on: 2/23/2015

Testimony for WAM on Feb 25, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Robinson	Individual	Support	No

Comments: Attn. WAM Committee I am Tom Robinson, a graduate student in the department of meteorology at UH Manoa.

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I am a graduate student writing in support of SB 638. I would like to point out that this bill does NOT create a graduate student union; it only allows the graduate students to unionize. This bill strengthens the graduate students' position to negotiate reasonable and competitive wages with the university. The University of Hawai'i is against graduate students unionizing, so if we are able to use unionization as a negotiating point, students will be able to better influence policy, decisions, and fairness at the university. I know that legislatures value our student opinion and voice, and I am asking you to empower us and move the university into a more student focused research and learning institution.

Date: Tuesday, February 25, 2015
Time: 9:00 AM
Place: Conference Room 211

To: Senate Committee on Ways and Means
Senator Jill Tokuda, Chair
Senator Ronald Kouchi, Vice Chair

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

My name is Van Wishingrad 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, 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.

Several other universities in the country have already established collective bargaining rights for graduate students, including: University of Wisconsin-Madison, University of Michigan, University of Oregon, University of Florida, Florida A&M, University of South Florida, University of Wisconsin-Milwaukee, University of Kansas, University of Massachusetts, University of Iowa, Wayne State University, New York University, and the University of California system. I urge Hawaii to follow their example and allow collective bargaining for graduate students at the University of Hawaii.

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 strongly support SB 638.

Respectfully submitted,
Van Wishingrad
vanw@hawaii.edu
(808) 202-7682