

# HB 1277, HD 1

RELATING TO COLLECTIVE  
BARGAINING.

HED, LAB, FIN

# HB1277 HD1



[Submit Testimony](#)

**Measure Title:** RELATING TO COLLECTIVE BARGAINING.  
**Report Title:** Collective Bargaining; Graduate Student Assistants; University of Hawaii  
**Description:** Establishes a collective bargaining unit for graduate student assistants employed for a minimum of 20 hours a week by the University of Hawaii. (HB1277 HD1)  
**Companion:** [SB406](#)  
**Package:** None  
**Current Referral:** HED, LAB, FIN  
**Introducer(s):** WOODSON, BELATTI, BROWER, CREAGAN, GATES, HASHEM, JOHANSON, LOPRESTI, MCKELVEY, NISHIMOTO, SAIKI, San Buenaventura, Tokioka

<a href="#">Sort by Date</a>		Status Text
1/24/2017	H	Pending introduction.
1/25/2017	H	Pass First Reading
1/30/2017	H	Referred to LAB, HED, FIN, referral sheet 6
1/30/2017	H	Re-referred to HED, LAB, FIN, referral sheet 7
1/31/2017	H	Bill scheduled to be heard by HED on Thursday, 02-02-17 2:00PM in House conference room 309.
2/2/2017	H	The committees on HED recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Woodson, Hashem, Creagan, Har, Ing, Ohno, Onishi, Takumi, Matsumoto; Ayes with reservations: none; Noes: none; and Excused: none.
2/9/2017	H	Reported from HED (Stand. Com. Rep. No. 148) as amended in HD 1, recommending passage on Second Reading and referral to LAB.
2/9/2017	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on LAB with none voting aye with reservations; none voting no (0) and Representative(s) Ito excused (1).
2/10/2017	H	Bill scheduled to be heard by LAB on Tuesday, 02-14-17 10:00AM in House conference room 309.

---

---

# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow graduate  
2 student assistants employed for a minimum of twenty hours a week  
3 by the University of Hawaii to collectively bargain.

4           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
5 amended as follows:

6           1. By amending subsection (a) to read:

7           "(a) All employees throughout the State within any of the  
8 following categories shall constitute an appropriate bargaining  
9 unit:

- 10           (1) Nonsupervisory employees in blue collar positions;
- 11           (2) Supervisory employees in blue collar positions;
- 12           (3) Nonsupervisory employees in white collar positions;
- 13           (4) Supervisory employees in white collar positions;
- 14           (5) Teachers and other personnel of the department of  
15 education under the same pay schedule, including part-  
16 time employees working less than twenty hours a week  
17 who are equal to one-half of a full-time equivalent;



- 1 (6) Educational officers and other personnel of the
- 2 department of education under the same pay schedule;
- 3 (7) Faculty of the University of Hawaii and the community
- 4 college system;
- 5 (8) Personnel of the University of Hawaii and the
- 6 community college system, other than faculty;
- 7 (9) Registered professional nurses;
- 8 (10) Institutional, health, and correctional workers;
- 9 (11) Firefighters;
- 10 (12) Police officers;
- 11 (13) Professional and scientific employees, who cannot be
- 12 included in any of the other bargaining units; [~~and~~]
- 13 (14) State law enforcement officers and state and county
- 14 ocean safety and water safety officers[-]; and
- 15 (15) Graduate student assistants employed for a minimum of
- 16 twenty hours a week by the University of Hawaii."

17 2. By amending subsection (d) to read:

18 "(d) For the purpose of negotiating a collective

19 bargaining agreement, the public employer of an appropriate

20 bargaining unit shall mean the governor together with the

21 following employers:



- 1 (1) For bargaining units (1), (2), (3), (4), (9), (10),  
2 (13), and (14), the governor shall have six votes and  
3 the mayors, the chief justice, and the Hawaii health  
4 systems corporation board shall each have one vote if  
5 they have employees in the particular bargaining unit;
- 6 (2) For bargaining units (11) and (12), the governor shall  
7 have four votes and the mayors shall each have one  
8 vote;
- 9 (3) For bargaining units (5) and (6), the governor shall  
10 have three votes, the board of education shall have  
11 two votes, and the superintendent of education shall  
12 have one vote; and
- 13 (4) For bargaining units (7) [~~and~~], (8), and (15), the  
14 governor shall have three votes, the board of regents  
15 of the University of Hawaii shall have two votes, and  
16 the president of the University of Hawaii shall have  
17 one vote.
- 18 Any decision to be reached by the applicable employer group  
19 shall be on the basis of simple majority, except when a  
20 bargaining unit includes county employees from more than one



1 county. In that case, the simple majority shall include at  
2 least one county."

3 3. By amending subsection (f) to read:

4 "(f) The following individuals shall not be included in  
5 any appropriate bargaining unit or be entitled to coverage under  
6 this chapter:

7 (1) Elected or appointed official;

8 (2) Member of any board or commission; provided that  
9 nothing in this paragraph shall prohibit a member of a  
10 collective bargaining unit from serving on a governing  
11 board of a charter school, on the state public charter  
12 school commission, or as a charter school authorizer  
13 established under chapter 302D;

14 (3) Top-level managerial and administrative personnel,  
15 including the department head, deputy or assistant to  
16 a department head, administrative officer, director,  
17 or chief of a state or county agency or major  
18 division, and legal counsel;

19 (4) Secretary to top-level managerial and administrative  
20 personnel under paragraph (3);



- 1 (5) Individual concerned with confidential matters
- 2 affecting employee-employer relations;
- 3 (6) Part-time employee working less than twenty hours per
- 4 week, except part-time employees included in unit (5);
- 5 (7) Temporary employee of three months' duration or less;
- 6 (8) Employee of the executive office of the governor or a
- 7 household employee at Washington Place;
- 8 (9) Employee of the executive office of the lieutenant
- 9 governor;
- 10 (10) Employee of the executive office of the mayor;
- 11 (11) Staff of the legislative branch of the State;
- 12 (12) Staff of the legislative branches of the counties,
- 13 except employees of the clerks' offices of the
- 14 counties;
- 15 (13) Any commissioned and enlisted personnel of the Hawaii
- 16 national guard;
- 17 (14) Inmate, kokua, patient, ward, or student of a state
- 18 institution;
- 19 (15) Student help[+], except for graduate student
- 20 assistants employed for a minimum of twenty hours a
- 21 week by the University of Hawaii;



- 1 (16) Staff of the Hawaii labor relations board;
- 2 (17) Employees of the Hawaii national guard youth challenge
- 3 academy; or
- 4 (18) Employees of the office of elections."

5 SECTION 3. Section 89-11, Hawaii Revised Statutes, is  
 6 amended by amending subsection (d) to read as follows:

7 "(d) If an impasse exists between a public employer and  
 8 the exclusive bargaining representative of bargaining unit (1),  
 9 nonsupervisory employees in blue collar positions; bargaining  
 10 unit (5), teachers and other personnel of the department of  
 11 education; [~~e~~] bargaining unit (7), faculty of the University  
 12 of Hawaii and the community college system[~~r~~]; bargaining  
 13 unit (15), graduate student assistants employed for a minimum of  
 14 twenty hours a week by the University of Hawaii, the board shall  
 15 assist in the resolution of the impasse as follows:

- 16 (1) Voluntary mediation. During the first twenty days of
- 17 the date of impasse, either party may request the
- 18 board to assist in a voluntary resolution of the
- 19 impasse by appointing a mediator or mediators,
- 20 representative of the public from a list of qualified
- 21 persons maintained by the board;





- 1           (2) Mediation. If the impasse continues more than twenty  
2           days, the board shall appoint a mediator or mediators  
3           representative of the public from a list of qualified  
4           persons maintained by the board, to assist the parties  
5           in a voluntary resolution of the impasse. The board  
6           may compel the parties to attend mediation, reasonable  
7           in time and frequency, until the fiftieth day of  
8           impasse. Thereafter, mediation shall be elective with  
9           the parties, subject to the approval of the board;
- 10          (3) Report of the board. The board shall promptly report  
11          to the appropriate legislative body or bodies the  
12          following circumstances as each occurs:
- 13                (A) The date of a tentative agreement and whether the  
14                terms thereof are confidential between the  
15                parties;
- 16                (B) The ratification or failure of ratification of a  
17                tentative agreement;
- 18                (C) The signing of a tentative agreement;
- 19                (D) The terms of a tentative agreement; or
- 20                (E) On or about the fiftieth day of impasse, the  
21                failure of mediation.



1           The parties shall provide the board with the requisite  
2           information; and

3           (4) After the fiftieth day of impasse, the parties may  
4           resort to such other remedies that are not prohibited  
5           by any agreement pending between them, other  
6           provisions of this chapter, or any other law."

7           SECTION 4. This Act does not affect rights and duties that  
8           matured, penalties that were incurred, and proceedings that were  
9           begun before its effective date.

10          SECTION 5. Statutory material to be repealed is bracketed  
11          and stricken. New statutory material is underscored.

12          SECTION 6. This Act shall take effect on January 1, 2050;  
13          provided that the collective bargaining unit established by this  
14          Act shall not be authorized to form until July 1, 2018, to allow  
15          the collective bargaining unit sufficient time to organize and  
16          plan.



**Report Title:**

Collective Bargaining; Graduate Student Assistants; University of Hawaii

**Description:**

Establishes a collective bargaining unit for graduate student assistants employed for a minimum of 20 hours a week by the University of Hawaii. (HB1277 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

---

## A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow full-time  
2 graduate students employed by the University of Hawaii to  
3 collectively bargain.

4           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
5 amended as follows:

6           1. By amending subsection (a) to read:

7           "(a) All employees throughout the State within any of the  
8 following categories shall constitute an appropriate bargaining  
9 unit:

- 10           (1) Nonsupervisory employees in blue collar positions;  
11           (2) Supervisory employees in blue collar positions;  
12           (3) Nonsupervisory employees in white collar positions;  
13           (4) Supervisory employees in white collar positions;  
14           (5) Teachers and other personnel of the department of  
15 education under the same pay schedule, including part-  
16 time employees working less than twenty hours a week  
17 who are equal to one-half of a full-time equivalent;



- 1           (6) Educational officers and other personnel of the
- 2                   department of education under the same pay schedule;
- 3           (7) Faculty of the University of Hawaii and the community
- 4                   college system;
- 5           (8) Personnel of the University of Hawaii and the
- 6                   community college system, other than faculty;
- 7           (9) Registered professional nurses;
- 8           (10) Institutional, health, and correctional workers;
- 9           (11) Firefighters;
- 10          (12) Police officers;
- 11          (13) Professional and scientific employees, who cannot be
- 12                   included in any of the other bargaining units; [~~and~~]
- 13          (14) State law enforcement officers and state and county
- 14                   ocean safety and water safety officers[-]; and
- 15          (15) Full-time graduate student assistants employed by the
- 16                   University of Hawaii."

17           2. By amending subsection (d) to read:

18           "(d) For the purpose of negotiating a collective

19 bargaining agreement, the public employer of an appropriate

20 bargaining unit shall mean the governor together with the

21 following employers:



- 1           (1) For bargaining units (1), (2), (3), (4), (9), (10),  
2                   (13), and (14), the governor shall have six votes and  
3           the mayors, the chief justice, and the Hawaii health  
4           systems corporation board shall each have one vote if  
5           they have employees in the particular bargaining unit;
- 6           (2) For bargaining units (11) and (12), the governor shall  
7           have four votes and the mayors shall each have one  
8           vote;
- 9           (3) For bargaining units (5) and (6), the governor shall  
10           have three votes, the board of education shall have  
11           two votes, and the superintendent of education shall  
12           have one vote; and
- 13           (4) For bargaining units (7) [~~and~~], (8), and (15), the  
14           governor shall have three votes, the board of regents  
15           of the University of Hawaii shall have two votes, and  
16           the president of the University of Hawaii shall have  
17           one vote.

18 Any decision to be reached by the applicable employer group  
19 shall be on the basis of simple majority, except when a  
20 bargaining unit includes county employees from more than one



1 county. In that case, the simple majority shall include at  
2 least one county."

3 3. By amending subsection (f) to read:

4 "(f) The following individuals shall not be included in  
5 any appropriate bargaining unit or be entitled to coverage under  
6 this chapter:

7 (1) Elected or appointed official;

8 (2) Member of any board or commission; provided that  
9 nothing in this paragraph shall prohibit a member of a  
10 collective bargaining unit from serving on a governing  
11 board of a charter school, on the state public charter  
12 school commission, or as a charter school authorizer  
13 established under chapter 302D;

14 (3) Top-level managerial and administrative personnel,  
15 including the department head, deputy or assistant to  
16 a department head, administrative officer, director,  
17 or chief of a state or county agency or major  
18 division, and legal counsel;

19 (4) Secretary to top-level managerial and administrative  
20 personnel under paragraph (3);



# H.B. NO. 1277

- 1       (5) Individual concerned with confidential matters
- 2             affecting employee-employer relations;
- 3       (6) Part-time employee working less than twenty hours per
- 4             week, except part-time employees included in unit (5);
- 5       (7) Part-time graduate student assistants employed by the
- 6             University of Hawaii;
- 7       ~~(7)~~ (8) Temporary employee of three months' duration or
- 8             less;
- 9       ~~(8)~~ (9) Employee of the executive office of the governor
- 10            or a household employee at Washington Place;
- 11       ~~(9)~~ (10) Employee of the executive office of the
- 12            lieutenant governor;
- 13       ~~(10)~~ (11) Employee of the executive office of the mayor;
- 14       ~~(11)~~ (12) Staff of the legislative branch of the State;
- 15       ~~(12)~~ (13) Staff of the legislative branches of the
- 16            counties, except employees of the clerks' offices of
- 17            the counties;
- 18       ~~(13)~~ (14) Any commissioned and enlisted personnel of the
- 19            Hawaii national guard;
- 20       ~~(14)~~ (15) Inmate, kokua, patient, ward, or student of a
- 21            state institution;





1     ~~[(15)]~~ (16) Student help~~[7]~~, except for full-time graduate  
 2             student assistants employed by the University of  
 3             Hawaii;

4     ~~[(16)]~~ (17) Staff of the Hawaii labor relations board;

5     ~~[(17)]~~ (18) Employees of the Hawaii national guard youth  
 6             challenge academy; or

7     ~~[(18)]~~ (19) Employees of the office of elections."

8             SECTION 3. Section 89-11, Hawaii Revised Statutes, is  
 9 amended by amending subsection (d) to read as follows:

10            "(d) If an impasse exists between a public employer and  
 11 the exclusive bargaining representative of bargaining unit (1),  
 12 nonsupervisory employees in blue collar positions; bargaining  
 13 unit (5), teachers and other personnel of the department of  
 14 education; or bargaining unit (7), faculty of the University of  
 15 Hawaii and the community college system~~[7]~~; bargaining unit  
 16 (15), graduate student assistants employed by the University of  
 17 Hawaii, the board shall assist in the resolution of the impasse  
 18 as follows:

19            (1) Voluntary mediation. During the first twenty days of  
 20               the date of impasse, either party may request the  
 21               board to assist in a voluntary resolution of the



1           impasse by appointing a mediator or mediators,  
2           representative of the public from a list of qualified  
3           persons maintained by the board;

4           (2) Mediation. If the impasse continues more than twenty  
5           days, the board shall appoint a mediator or mediators  
6           representative of the public from a list of qualified  
7           persons maintained by the board, to assist the parties  
8           in a voluntary resolution of the impasse. The board  
9           may compel the parties to attend mediation, reasonable  
10          in time and frequency, until the fiftieth day of  
11          impasse. Thereafter, mediation shall be elective with  
12          the parties, subject to the approval of the board;

13          (3) Report of the board. The board shall promptly report  
14          to the appropriate legislative body or bodies the  
15          following circumstances as each occurs:

16                (A) The date of a tentative agreement and whether the  
17                terms thereof are confidential between the  
18                parties;

19                (B) The ratification or failure of ratification of a  
20                tentative agreement;

21                (C) The signing of a tentative agreement;



- 1 (D) The terms of a tentative agreement; or
- 2 (E) On or about the fiftieth day of impasse, the
- 3 failure of mediation.

4 The parties shall provide the board with the requisite  
5 information; and

- 6 (4) After the fiftieth day of impasse, the parties may
- 7 resort to such other remedies that are not prohibited
- 8 by any agreement pending between them, other
- 9 provisions of this chapter, or any other law."

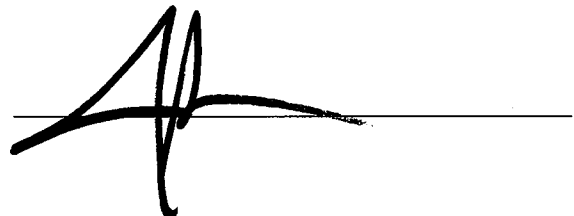
10 SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval;  
16 provided that the collective bargaining unit established by this  
17 Act shall not be authorized to form until July 1, 2018, to allow  
18 the collective bargaining unit sufficient time to organize and  
19 plan.

20

INTRODUCED BY: \_\_\_\_\_



Sam

Scott

[Signature]

Scott

[Signature]

[Signature]

Tom

Richard

Mark J. Hall

[Signature]

Mark

Al

05

JAN 24 2017



# H.B. NO. 1277

**Report Title:**

Collective Bargaining; Graduate Student Assistants; University of Hawaii

**Description:**

Establishes a collective bargaining unit for full-time graduate student assistants employed by the University of Hawaii. Delays formation of the graduate student assistant collective bargaining unit until 7/1/2018.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



DAVID Y. IGE  
GOVERNOR



JAMES K. NISHIMOTO  
DIRECTOR

RYKER WADA  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

February 10, 2017

TESTIMONY TO THE  
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
For Hearing on Tuesday, February 14, 2017  
10:00 a.m., Conference Room 309

By

JAMES K. NISHIMOTO  
DIRECTOR

**House Bill No. 1277, HD1**  
**Relating to Collective Bargaining**

CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE  
COMMITTEE:

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

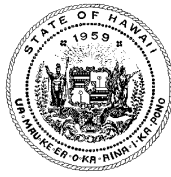
House Bill No. 1277 HD1 proposes to establish a collective bargaining unit for graduate student assistants employed for a minimum of 20 hours a week by the University of Hawaii (UH).

The Department of Human Resources Development (DHRD) **DOES NOT SUPPORT** this bill for the following reasons:

- The DHRD defers to the UH on the definition of employee versus graduate students.

- Unlike other public employees, who are career, long term employees engaged in collective bargaining, a graduate student employment is temporary and is not a career or profession.
- Establishing UH graduate students as collective bargaining unit 15 could have significant cost increases for both the UH and the State since mandatory subjects of collective bargaining cover wages, hours, condition of employment, and fringe benefits.

Thank you for this opportunity to testify on this measure.



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

February 10, 2017

TESTIMONY TO THE  
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT  
For Hearing on Tuesday, February 14, 2017  
10:00 a.m., Conference Room 309

By

JAMES K. NISHIMOTO  
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

**House Bill No. 1277, HD1  
Relating to Collective Bargaining**

(WRITTEN TESTIMONY ONLY)

CHAIRPERSON JOHANSON, VICE CHAIR HOLT AND MEMBERS OF THE  
COMMITTEE:

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

House Bill No. 1277 HD1 proposes to establish a collective bargaining unit for  
graduate student assistants employed for a minimum of 20 hours a week by the  
University of Hawaii (UH).

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

- The OCB defers to the UH on the definition of employee versus graduate students.



- Unlike other public employees, who are career, long term employees engaged in collective bargaining, a graduate student employment is temporary and is not a career or profession.
- Establishing UH graduate students as collective bargaining unit 15 could have significant cost increases for both the UH and the State since mandatory subjects of collective bargaining cover wages, hours, condition of employment, and fringe benefits.

Thank you for this opportunity to testify on this measure.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

---

Testimony Presented Before the  
House Committee on Labor and Public Employment  
February 14, 2017 at 10:00 a.m.

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

### HB 1277 HD1 – RELATING TO COLLECTIVE BARGAINING

Chair Johanson, Vice Chair Holt, and members of the Committee:

I am respectfully submitting testimony on behalf of the University of Hawai'i regarding House Bill 1277 House Draft 1 – Relating to Collective Bargaining – which proposes to amend HRS §89-6, to allow graduate student assistants employed for a minimum of 20 hours per week at the University of Hawai'i to organize for collective bargaining purposes and to form a new bargaining unit. In addition, this bill proposes to amend HRS 89-11 and provide the Hawai'i Labor Relations Board the requisite authority to assist in the resolution of impasse.

The University of Hawai'i opposes the passage of this measure.

As we explained in prior testimony submitted in response to similar bills introduced in the 2015 and 2016 legislative sessions, in deliberating on the concept of allowing University-employed graduate student assistants to be included in collective bargaining, there are several issues that the Legislature should seriously consider.

First and foremost, graduate student assistants are *students* first and *employees* second. Graduate student assistants are student learners. They are at the University, not for a job as an assistant, but rather to learn as much about their chosen fields of study as their individual time and talents will allow. These graduate students are mentored and supervised by our rank 3, 4, and 5 faculty members who hold PhDs or other terminal level degrees, and have many years of proven professional competence and experience including evidence of proficiency in teaching and/or research.

Indeed, though a large part of our efforts as University mentors is aimed at teaching graduate assistants the actual subject matter, an equally large part is devoted to developing graduate student assistants as academic professionals with real job skills in research techniques, teaching expertise, etc. contributing to scholarly and research disciplines at national and international levels. The graduate assistants learn these essential skill sets while in their graduate assistant positions under the guidance and supervision of our current faculty employees.

In this respect, the duties and assignments of a graduate assistant differ from those of a faculty member. Our faculty members in ranks 3, 4, and 5 who mentor graduate student assistants are established professionals required to teach classes and/or develop research programs without active supervision or management oversight. The purpose of an assistantship is to train and mentor a graduate student in specific skill sets with the explicit goal of increasing their competitiveness as the graduate student enters a professional academic career.

**Simply stated, the University's priority is degree completion for our graduate student assistants, not providing them with "career government service" levels of pay, benefits and job security while they are in training to be the best in their future career fields.**

This leads directly to a second consideration, which is that a "graduate student assistant" is not a career position; the assistantship is a transitory stage and a status that runs directly contrary to *all* other positions in the established collective bargaining units under HRS, §89-6. The fact is there are no long term career opportunities for graduate student assistant positions at the University or anywhere else. As noted, a graduate student assistantship is similar to an on-the-job training or apprenticeship program; the assistantship is not a career choice. The assistantship is, however, an important stepping stone for graduate students to become faculty and established professionals and to achieve the ultimate goal of a faculty career in higher education and job security *upon duly passing probation* (a concept that this measure does not address).

Creating a bargaining unit comprised entirely of temporary graduate student assistants, many of them non-residents, contributes little toward the important and core public policy of fostering a stable and prosperous middle class in Hawai'i dedicated to sustainable, long-term careers in local government service. Indeed, this is *precisely* why we have strong, cohesive bargaining units for committed government careers such as teachers, firefighters, police officers, corrections officers, clerical and other staff support, and custodial, grounds and trades employees.

This leads directly to a third consideration, namely that there will be significant and *enduring* cost increases to both the University and the State of Hawai'i should graduate student assistants become employees with the right to collectively bargain.

Since the 2016 legislative session ended, the University enacted **Executive Policy EP5.223**. In addition to providing that graduate student assistants have the right to file employment related **grievances**, and clarifying that outside employment and calling in sick are **NOT** prohibited, it also provides them with a 9 or 11 month pay schedule ranging from Steps 1 to 20.

Graduate student assistants of the University are currently compensated via a package that includes a variety of benefits. For example, UH Mānoa full time resident graduate student tuition currently ranges between **\$7,644 to \$12,012** per semester, while non-resident tuition ranges between **\$18,324 to \$22,752** per semester. We afford our

graduate student assistants with tuition waivers so they can concentrate on being first-rate *students* and achieve degree completion in timely manner.

Graduate student assistants may also receive monetary stipends that can vary by the educational program in which they are enrolled. The current level of compensation is a considerable cost to the University and constitutes a significant amount of the financial assistance provided to graduate student assistants. Specifically, last school year, depending on residency, educational program, and schedule, the value of tuition waivers and stipends was estimated to typically range between **\$32,790** and **\$57,240** annually, with a potential maximum value as high as **\$73,812** annually. This year, the ranges are higher, and the potential maximum value is now **\$80,996**.

Moreover, our graduate assistants who work at least 20 hours per week are eligible to enroll in the *same* health and benefit plans (medical, prescription drugs, dental, vision and life insurance) as our career employees who are members of bargaining units. Further, our graduate assistants who are full-time students are also exempt from the FICA tax.

Currently, the University has flexibility in dealing with these sorts of very significant costs, but pursuant to this measure, tuition waivers, stipends and other benefits we provide to our graduate assistants would become “cost items” and would thereafter be subject to **mandatory bargaining**. These costs would further extend to include membership in the State Employees’ Retirement System as provided to employees in Chapter 88, HRS, which would add pension contribution costs to the State and tax payers. In addition, any increased enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University and State for contributions to the system.

Note further that all compensation collectively bargained for may be treated as wages that will be subject to employment and income taxes – an issue graduate student assistants may not be considering as it relates to tuition waivers that involve substantial sums of money.

In summary, this measure would create a bargaining unit that is absolutely unique in the State, comprised of transitory members who remain students first with the intention of learning a skill set to increase their competitiveness when they graduate and begin a professional career. The University views this measure as drastically impacting the intent and purpose of graduate assistantships, greatly increasing our operational expenses, and above all else, blurring the lines between students and employees and impacting our ability to train our graduate students and ensure timely degree completion.

Based on the above, we request that this measure be held.

Thank you for the opportunity to testify on this measure.



The House Committee on Labor & Public Employment  
Tuesday, February 14, 2017  
10:00 am, Room 309

**RE: HB 1277, HD1, RELATING TO COLLECTIVE BARGAINING**

Attention: Chair Aaron Ling Johanson, Vice Chair Daniel Holt and  
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the committee to **support passage of HB 1277, HD1** that amends Section 89-6 of the Hawai'i Revised Statute to create bargaining unit 15, allowing full-time graduate students employed at the University of Hawai'i to collectively bargain.

Graduate students are essential to instruction, research and mentoring undergraduate students that contributes to the overall success of the University of Hawai'i. They are in the full sense of the term, employees, with continuing access to positions based on job and academic performance.

When representing faculty, UHPA has had to work with graduates students, and on occasion, have provided guidance. The current University of Hawai'i policy governing Graduate Students does not provide the proper protections of this group of employees. Collective Bargaining would allow this group the following:

- Negotiation of grievance procedures
- Protection from arbitrary and capricious behavior
- Negotiation of salary, wages and benefits

**University of Hawaii  
Professional Assembly**



While UHPA is unable to represent Graduate Students, our experience indicates this group of student employees needs the ability to advance its interests in establishing appropriate conditions of employment and treatment in the workplace.

**UHPA supports the passage of HB 1277, HD1.**

Respectfully submitted,

Kristeen Hanselman  
Executive Director

**University of Hawaii  
Professional Assembly**



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME Local 152, AFL-CIO

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

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

Testimony by  
Hawaii Government Employees Association

February 14, 2017

**H.B. 1277, H.D. 1 - RELATING TO  
COLLECTIVE BARGAINING**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of allowing graduate student assistants employed by the University of Hawaii to be included in an appropriate collective bargaining unit, as proposed in H.B. 1277, H.D. 1.

Graduate assistants employed by the University have encountered numerous work related issues in the past, including budget set backs and increases in class size and workload, in addition to the high cost of living in Hawaii. The language proposed in H.B. 1277 is the most viable legislation as it not only removes the current exclusion of this group from collectively bargaining but also creates a unique bargaining unit with a dispute mechanism to resolve differences in negotiations.

Thank you for the opportunity to testify in strong support of H.B. 1277, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



February 14, 2017

To: House Committee on Labor and Public Employment  
Rep. Aaron Ling Johanson, Chair  
Rep. Daniel Holt, Vice Chair

Re: **Support** for HB1277 Relating to Collective Bargaining

Thank you for the opportunity to provide testimony. The Graduate Student Organization at the University of Hawai'i at Manoa (GSO) stands in **strong support** of this bill. The GSO represents approximately 4,700 graduate students at the University of Hawai'i at Mānoa.

HB1277 if passed, will amend HRS 89-6 to clarify that Graduate Assistants are not “student help”, create bargaining unit 15 for Graduate Assistants, and provide a conflict resolution mechanism for said bargaining unit. We requested that the committee amend the bill to remove references and restrictions to full-time and part-time Graduate Assistants. All Graduate Assistants are paid for 20 hours a week, which in most instances is considered part-time. We ask the committee recognize that this is not always an accurate reflection of the time Graduate Assistants work. The nature of our work as researchers and educators makes it difficult to ascertain a precise hourly measurement.

Over the past three years we met with UH System executives to negotiate in good faith. UH executives concluded those negotiations when they authored Executive Policy 5.223. We requested that Graduate Assistants be allotted sick days. Ep. 5.223 states “Graduate Assistants do not earn vacation and sick leave.” The mechanism that UH executives have created for Graduate Assistants to stay home when they are sick cannot be implemented and requires more work than simply showing up to the office.

We requested that Graduate Assistants receive wages competitive with UH peer and benchmark institution and competing West Coast universities. Our request was flatly dismissed and Ep. 5.223 leaves the current pay scale intact. While UH executives did make a legislative request for more funding for Graduate Assistants, it is woefully inadequate, and they have made no commitment to fully resolve compensation issues.





The majority of Teaching Assistants (GTA) are in charge of teaching their own classes. They do all the grading and lecturing, as well as design the syllabus and maintain decorum in the classroom. Our Research Assistants (GRA) are often working on multiple independent projects at the direction of an assigned supervisor. Other Graduate Assistants (GA) are working in administrative offices performing the same duties as any administrative office worker.

Graduate Assistants in every role meet the common-law test's criteria for employment as well as the so-called ABC test's criteria. Graduate Assistants do not control their own hours and have employment taxes withheld from their State of Hawai'i issued paychecks. Graduate Assistants are required to attend trainings and undergo periodic evaluations. A Graduate Assistant's supervisor, often a University recognized employee, controls the means and manner in which a Graduate Assistant carries out their work. Graduate Assistants further qualify as employees under HRS 377-1 and HRS 377-4.6(C). While the "students first employees second" argument is a worthwhile theoretical discussion of identity, the law is quite clear on this topic.

In August 2016, the National Labor Relations Board reversed a Bush-era decision to prevented Graduate Assistants at private universities from engaging in collective bargaining. They found that it "deprived an entire category of workers of the protections of the Act without a convincing justification." (National Labor Relations Board, 2016) We are now seeing unions form at private universities such as Columbia University, Yale University, and many more. There are currently 31 graduate assistant unions at public universities in the United States. (CGEU, 2017) We are not seeking to depart from the norm. Collective bargaining for Graduate Assistants has become the norm.

Some have taken issue with the temporary nature of our positions. Consistently temporary workers are in a particularly precarious position and are thus acutely vulnerable to exploitation. It is not despite this distinction that we seek collective bargaining rights, but *precisely* because of it. We ought to be concerned with guarding against the exploitation of consistently temporary workers, not endorsing it. Longer contract durations will be a priority in negotiations.

Graduate Assistants are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, perform critical research, and a



substantial proportion of teaching and administrative duties. Unfortunately, we are poorly compensated and are vulnerable to capricious and arbitrary. We are frequently the collateral damage from executive mismanagement. As individuals, we stand little chance of success and the long history of failed attempts at improvements proves this to be true. Our only hope for improving our own situation is to come together and form a union. **For these reasons, we strongly urge you to support HB1277.**

References:

[“Coalition of Graduate Employee Unions” \*United States – Coalition of Graduate Employee Unions\*. Np nd Web. 28 Jan. 2017](#)

[“NLRB.gov” \*Board Student Assistants Covered by the NLRA / NLRB\*. Np, nd Web. 28 Jan. 2017.](#)



February 13, 2017

TIM VANDEVEER  
Chair

MARGARET WILLE  
SEAN SMITH  
Legislation Committee Co-Chairs

**SUPPORT FOR HB1277HD1**

COMMITTEE ON Labor and Public Employment  
Rep. Aaron Ling Johanson, Chair  
Rep. Daniel Holt, Vice Chair

February 14, 2017 10:00 a.m. State Capitol Conference Room 309  
HB1277 (HD1) "RELATING TO COLLECTIVE BARGAINING"

**Submitted on Behalf of the Democratic Party of Hawai'i**

The Democratic Party of Hawai'i supports HB1277 "RELATING TO COLLECTIVE BARGAINING" which would allow graduate students, who are employed by the University to work 20 hours or more a week, to form collective bargaining units at the University of Hawaii as of July 1, 2018. Allowing graduate students at the University of Hawaii to form a collective bargaining unit is one of the Democratic Party of Hawai'i's legislative priorities for the 2017 legislative session. **Please however remove the delayed effective date in HD1.**

Respectfully submitted,

/s/ *Tim Vandever* (tim@hawaiidemocrats.org)  
Chair of the Democratic Party of Hawai'i

/s/ *Margaret Wille* (margaretwille@mac.com)  
/s/ *Sean Smith* (simashang@yahoo.com)  
Legislative Committee Co-Chairs

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 2:29 PM  
**To:** LABtestimony  
**Cc:** mgolojuch@hotmail.com  
**Subject:** Submitted testimony for HB1277 on Feb 14, 2017 10:00AM

**HB1277**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments: The LGBT Caucus of the Democratic Party of Hawaii stands in full support of HB 1277 - Graduate Assistance need the right to unionize if they so choose.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

The Twenty-Ninth Legislature  
Regular Session of 2017

THE HOUSE

Committee on Labor & Public Employment  
Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair  
State Capitol, Conference Room 309  
Tuesday, February 14, 2017; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1277  
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 supports H.B. 1277, which establishes a collective bargaining unit for full-time graduate student assistants employed by the University of Hawaii, and delays the formation of the graduate student assistant collective bargaining unit until 7/1/2018.

As employees of the University of Hawaii, UH graduate assistants are entitled by law and the State Constitution to organize and form a union for purposes of collective bargaining. The first step will be to create a new bargaining unit, which H.B. 1277 does. This will allow graduate assistants the right to collective bargaining that other public employees already enjoy. The fact that graduate assistants may not be employed in their positions for a long period of time should not deny them the right to negotiate for wages, benefits, and working conditions as other public employees do.

The ILWU urges passage of H.B. 1277. Thank you for the opportunity to share our views on this issue.

# IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

February 14, 2017

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

HB1277 - RELATING TO COLLECTIVE BARGAINING

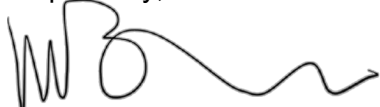
Chair Johanson, Vice Chair Holt and Members of the Committee,

The International Brotherhood of Electrical Workers Local Union 1260, AFL-CIO (IBEW1260), represents more than 3500 members, has advocated for all workers in the State of Hawaii for over 75 years and respectfully offers the following testimony in **STRONG SUPPORT** of House Bill 1277 (HB1277).

Graduate Students are essential to the success of the University of Hawaii system and should be extended the same collective bargaining rights as all other workers to address wages, benefits and work rules. For this reason, IBEW1260 respectfully ask the Committee to support HB1277 guaranteeing graduate students the ability to work collectively for workplace dignity.

Mahalo for the opportunity to testify on this issue,

Respectfully,



Michael M. Brittain  
Asst. Business Manager  
IBEW1260 / AFL-CIO



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

---

**TESTIMONY FOR HOUSE BILL 1277, HOUSE DRAFT 1, RELATING TO  
COLLECTIVE BARGAINING**

**House Committee on Labor  
Hon. Aaron Ling Johanson, Chair  
Hon. Daniel Holt, Vice Chair**

**Tuesday, February 14, 2017, 10:00 AM  
State Capitol, Conference Room 309**

Honorable Chair Johanson and committee members:

I am Kris Coffield, representing IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in strong support of House Bill 1277, HD 1, relating to collective bargaining.

There is a power in a union.

Today, political pundits prognosticate about the possible onslaught of austerity facing our nation. Many of these same pundits believe that labor unions are an impediment to economic prosperity, arguing that collective bargaining sets wages and work conditions above what the free market demands.

They couldn't be more wrong. Collective bargaining is a civil right. Unionized employees' compensation and work protections are essential to creating an upwardly mobile middle class and continually increasing economic prosperity. As economist Paula Voos of Rutgers University School of Management and Labor Relations notes, "It is no accident that the prosperity and consumer boom of the 1950s—a period of unprecedented middle class expansion, broad business growth, increased home ownership, rising consumer spending, and the shared expectation that a college education was within the reach of everyone and that the lives of our children would be better than our own—followed the greatest sustained expansion of unionization in American history."

Unsurprisingly, decreasing American middle class incomes and the rapidly widening wealth gap in our country parallel a significant decline in union membership. It is imperative, then, that we promote higher productivity by strengthening labor-management relations. Through a union, employees have a means to dialogue with management about workplace problems, inefficient processes, unfair work conditions, and unsupportive compensation. Unions also

increase the recruitment and retention of highly experienced employees, creating circumstances that favor professional development and mutual trust in the workplace. Perhaps most importantly, labor organizations foment understandings of democratic government and solidarity, resolving conflict and differences through negotiation and consensus-building, and participatory rulemaking. In turn, unions craft engaged and responsible citizens.

Graduate student assistants at the University of Hawai'i have earned the right to call for respect from university management. In providing instruction to students and research that expands our society's knowledge base, graduate students tirelessly toil on behalf of the college community, often under fear of retaliation because of a lack of organizing power in resisting exploitation. Graduate student assistants are short-term positions. Yet, the limited duration of graduate positions only heightens the urgency of establishing collective bargaining protections, as temporary employees too often fall prey to employers—including in our state university system—who exploit the precarious nature of these positions and assume student workers will simply “deal with the pain and move on,” as one graduate assistant member of IMUAlliance maintained. Most startlingly, UH graduate assistants currently earn a base pay of \$17,500 per year, a number that has not increased since the 2003-2004 academic year. At the sunrise of 2017, according to the U.S. Bureau of Labor Statistics, that amount carries approximately \$5,500 less purchasing power than it did thirteen years ago *before* adjusting for Hawai'i's high cost of living. Even for students, it is nowhere near a livable wage.

Thomas Jefferson wrote, “Eternal vigilance is the price of liberty.” The same is true with basic civil rights, including the rights to freely associate and bargain for fair pay and work conditions, which are constantly under assault by a corporate mindset that puts dollars before democracy. Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 7:28 AM  
**To:** LABtestimony  
**Cc:** tampaltin@gmail.com  
**Subject:** \*Submitted testimony for HB1277 on Feb 14, 2017 10:00AM\*

**HB1277**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Paltin	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 12:48 AM  
**To:** LABtestimony  
**Cc:** ogyechan@yahoo.com  
**Subject:** \*Submitted testimony for HB1277 on Feb 14, 2017 10:00AM\*

**HB1277**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donni Gye Corrow-Sanchez	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 8:50 PM  
**To:** LABtestimony  
**Cc:** chris@mentzel.com  
**Subject:** \*Submitted testimony for HB1277 on Feb 14, 2017 10:00AM\*

**HB1277**

Submitted on: 2/12/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Mentzel	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 9:52 PM  
**To:** LABtestimony  
**Cc:** nataliejeanf@gmail.com  
**Subject:** \*Submitted testimony for HB1277 on Feb 14, 2017 10:00AM\*

**HB1277**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
natalie forster	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 1:23 PM  
**To:** LABtestimony  
**Cc:** emmaharberwhite@gmail.com  
**Subject:** Submitted testimony for HB1277 on Feb 14, 2017 10:00AM

**HB1277**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily White	Individual	Support	No

Comments: Living wages lifts everyone.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 5:17 PM  
**To:** LABtestimony  
**Cc:** mikegolojuch808@gmail.com  
**Subject:** Submitted testimony for HB1277 on Feb 14, 2017 10:00AM

**HB1277**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments: I strongly support HB1277. This measure should already be law, which allows the graduate assistants to organize if they so chose. Although I am only speaking for myself, I do know as a member of Democratic Party of Hawaii Labor Caucus that we support this measure.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 1:47 PM  
**To:** LABtestimony  
**Cc:** ariannafeinberg@gmail.com  
**Subject:** Submitted testimony for HB1277 on Feb 14, 2017 10:00AM

**HB1277**

Submitted on: 2/11/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arianna Feinberg	Individual	Support	No

Comments: As a lifelong Maui resident and active Democrat, I support SB1277 HD1 "Relating to Collective Bargaining". Graduate students working at least 20 hr/week should be able to collectively bargain as soon as possible.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 9:04 PM  
**To:** LABtestimony  
**Cc:** estankos808@gmail.com  
**Subject:** Submitted testimony for HB1277 on Feb 14, 2017 10:00AM

**HB1277**

Submitted on: 2/10/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Stankos	Individual	Oppose	No

Comments: I strongly oppose the creation of a new bargaining unit. This job class is very small and not career oriented. There are more needs in the State right now that needs this attention, mahalo and aloha.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



# HB 1277, HD 1

## Late Testimony

**LATE**

**LATE**

**LATE**



## **HAWAII STATE AFL-CIO**

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

Randy Perreira  
President

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

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

Testimony by  
Hawaii State AFL-CIO  
February 14, 2017

H.B. 1277, H.D.1 – RELATING TO  
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports H.B. 1277, H.D.1 which establishes a collective bargaining unit for graduate student assistants employed for a minimum of 20 hours a week by the University of Hawaii.

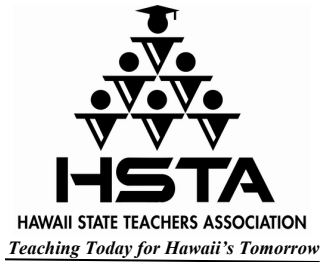
Having the ability to collectively bargain will give University of Hawaii graduate assistants a unified voice to discuss their working conditions, wages, and a number of other benefits to help improve their quality of life and work environment. Collective bargaining will help solve workplace problems and provide a grievance process to ensure each situation is handled appropriately and fairly. The Hawaii State AFL-CIO strongly urges the passage of H.B. 1277, H.D.1.

Thank you for the opportunity to testify.

Respectfully submitted,

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

Randy Perreira  
President



**LATE LATE LATE**

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

Corey Rosenlee  
President  
Justin Hughey  
Vice President  
Amy Perruso  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
LABOR

RE: HB 1277, HD1 - RELATING TO COLLECTIVE BARGAINING.

TUESDAY, FEBRUARY 14, 2017

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1277, HD1**, relating to collective bargaining.

Collective bargaining is a human right. According to Article 23(4) of the United Nations Universal Declaration of Human Rights, adopted in 1948, “everyone has the right to form and to join trade unions for the protection of his interests.” Likewise, the International Labor Organization, the UN agency responsible for safeguarding international labor standards, states in its Constitution and Declaration of Principles that the freedoms to associate and bargain collectively are fundamental rights of workers worldwide.

Graduate student assistants at the University of Hawai‘i must no longer be denied their fundamental human rights. Besieged by budget cuts over the past decade, graduate students have borne increased class sizes and workloads, while suffering the same low pay of \$17,500 since the 2003-2004 academic year. Like educators throughout Hawai‘i, they have seen their purchasing power crushed beneath our state’s highest-in-the-nation cost of living.

Graduate student assistants are vital to the university community, performing instruction, research, and administrative work. Their labor, like all labor, should be publicly recognized by guaranteeing the right to bargain for fair wages and work conditions. To give graduate student assistants the ability to protect their interests and promote higher education, the Hawaii State Teachers Association asks your committee to **support** this bill.

**LATE**

**LATE**

**LATE**

Date: February 14, 2017

Time: 10:00 a.m.

Place: Conference Room 309

To: House Committee on Labor and Public Employment  
Representative Aaron Ling Johanson, Chair  
Representative Daniel Holt, Vice Chair

Re: Support for HB1277, Relating to Collective Bargaining

I am writing in **strong support** of HB1277, Relating to Collective Bargaining for Graduate Student Assistants. I am a graduate assistant at the University of Hawaii at Manoa, where I work as a teaching assistant for 104 students. Graduate assistants in Hawaii are working longer hours for stagnant pay; taking on increasing amounts of teaching, research, and administrative responsibilities; facing unprecedented levels of student debt and rising tuition and fees; finding themselves caught in gaps of underfunding or no funding; and scraping by barely able to afford the cost of food, rent, and utilities, much less books and supplies.

The existing research on collective bargaining is clear. Unions are highly effective in improving wages, productivity, worker retention, recruiting, and morale, all while lowering turnover.<sup>1</sup> Similarly, the research on graduate assistant unions shows strong support for the positive effects of collective bargaining, including improved professional relationships between graduate assistants and advisers, improved respect for differing opinions, and higher stipends and greater pay fairness.<sup>2</sup> In fact, university faculty overwhelmingly feel that graduate assistants are employees of the university and support the right of graduate assistants to collectively bargain, and that “collective bargaining does not inhibit their ability to advise, instruct, or mentor their graduate students.”<sup>3</sup> We should think that the university administration should also be thrilled to see such strong desire from graduate assistants for increased engagement with their work.

Graduate assistants are an integral part of the local community and economy, providing valuable services and resources for the people of Hawaii. Recognizing the right of graduate assistants to collectively bargain would strengthen the quality of Hawaii’s secondary educational institutions and the living standards and working conditions of its graduate assistants. As the National Labor Relations Board, 17 states, and dozens of public universities have agreed, graduate assistants are workers with the right to organize, collectively bargain, and form unions. The State of Hawaii should join these other states in recognizing the right of graduate assistants to collectively bargain. For these reasons, I strongly urge you to pass HB1277.

Thank you for the opportunity to testify,  
Timothy Zhu

1. Freeman, R. B., and J. L. Medoff. *What Do Unions Do?* New York: Basic Books, 1984. Print.

2. Rogers, S., A. E. Eaton, and P. B. Voos. 2014. Effects of unionization on graduate student employees: Faculty-student relations, academic freedom, and pay. *ILR Review*, 66(2): 487-510.

3. Hewitt, G. J. 2000. Graduate student employee collective bargaining and the educational relationship between faculty and graduate students. *Journal of Collective Negotiations in the Public Sector* 22(2): 153–66.

DAVID Y. IGE  
GOVERNOR

**LATE**



**LATE**

WESLEY K. MACHIDA  
DIRECTOR

LAUREL A. JOHNSTON  
DEPUTY DIRECTOR

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

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

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

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

**WRITTEN ONLY**

TESTIMONY BY WESLEY K. MACHIDA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON LABOR  
ON  
HOUSE BILL NO. 1277, HD1

**LATE**

**February 14, 2017  
10:00 a.m.  
Room 309**

**RELATING TO COLLECTIVE BARGAINING**

This measure allows graduate students employed by the University of Hawaii (UOH) to collectively bargain by amending Chapter 89-6, HRS, to remove the exemption from collective bargaining for graduate student assistants employed for more than 20 hours by the University of Hawaii (UOH) and authorizing a new Bargaining Unit 15.

The Department of Budget and Finance has concerns with this measure. The cost implications of allowing graduate student assistants to collectively bargain are a special concern, for both the state budget and for UH's current fiscal situation. Negotiation of pay increases for graduate students needs to be weighed against the foregone revenue from tuition waivers and other fees that graduate students do not pay as part of their assistantships. Further, their work hours and work conditions would all need to be part of collective bargaining negotiations that might not fit the flexible schedules that graduate students require to complete their academic program.

Thank you for the opportunity to testify.

**LATE**

**LATE**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 3:51 PM  
**To:** LABtestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1277 on Feb 14, 2017 10:00AM\*

**HB1277**

Submitted on: 2/13/2017

Testimony for LAB on Feb 14, 2017 10:00AM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)