

DAVID Y. IGE  
GOVERNOR



RYKER WADA  
CHIEF NEGOTIATOR

**STATE OF HAWAII  
OFFICE OF COLLECTIVE BARGAINING  
EXECUTIVE OFFICE OF THE GOVERNOR**  
235 S. BERETANIA STREET, SUITE 1201  
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April 4, 2018

TESTIMONY TO THE  
HOUSE COMMITTEE ON FINANCE  
For Hearing on Wednesday, April 4, 2018  
2:45 p.m., Conference Room 308

By

RYKER WADA  
CHIEF NEGOTIATOR, OFFICE OF COLLECTIVE BARGAINING

**Senate Bill No. 2585 SD2 HD1  
Relating to Collective Bargaining**

CHAIRPERSON LUKE, VICE CHAIR CULLEN, AND MEMBERS OF THE  
COMMITTEE:

Senate Bill No. 2585 SD2 HD1, proposes to establish a collective bargaining unit for graduate student assistants employed by the University of Hawaii.

The Office of Collective Bargaining (OCB) has begun collaborative work with proponents of this measure to find mutually agreeable solutions for the concerns raised by their prior testimony. However, pending an agreement, OCB **DOES NOT SUPPORT** this bill in its' current form for the following reasons:

- 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. However, the OCB defers to

the University of Hawaii on the definition of employee versus graduate students.

- 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.

DAVID Y. IGE  
GOVERNOR



LAUREL A. JOHNSTON  
DIRECTOR

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

**WRITTEN ONLY**

**TESTIMONY BY LAUREL A. JOHNSTON  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
SENATE BILL NO. 2585, S.D. 2, H.D. 1**

**April 4, 2018  
2:45 p.m.  
Room 308**

**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 student assistants employed by the UH and authorizing a new Bargaining Unit 15.

The Department of Budget and Finance opposes 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 will 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 conditions will be part of collective bargaining negotiations that might not fit the flexible schedules that graduate students require to complete their academic program. Finally, because of the temporary nature of a graduate student's tenure, the graduate student negotiating team will likely change upon their graduation, and potentially forestall reaching an agreement with the State and UH in time for legislative approval within their limited 60-day session.

Thank you for your consideration of our comments.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Finance  
April 4, 2018 at 2:45 p.m.

By

Donald O. Straney  
Vice President for Academic Planning and Policy  
University of Hawai'i System, and  
Michael S. Bruno  
Vice Chancellor for Research  
Interim Vice Chancellor for Academic Affairs  
University of Hawai'i at Mānoa

### SB 2585 SD2 HD1– RELATING TO COLLECTIVE BARGAINING

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

The University of Hawai'i (UH) writes in opposition to SB 2585 SD2 HD1, which would establish a collective bargaining unit for graduate student assistants employed by the University of Hawai'i.

UH employs three types of graduate student assistants, defined in Executive Policy 5.223:

- Graduate Assistants (GAs) providing academic and program support to units of the university. Their duties are not directly related to teaching or research and include academic advising, program planning, advising student groups, and assisting with the administration of student services offices.
- Graduate Teaching Assistants (GTAs) work under the supervision of a faculty member and they may teach sections of a multi-section course, assist a faculty member in grading assignments or exams, advising students, and performing course-related administrative and support duties. All new GTAs are required to attend a training session offered by the Office of Faculty Development and Academic Support - Center for Teaching Excellence.
- Graduate Research Assistants (GRAs) usually support the research activities of a faculty member who is the Principle Investigator on an extramurally funded grant. Their duties vary with the subject matter of the grant and may be related to the subject of the student's thesis or dissertation.

### Graduate Student Welfare in General

Not all graduate students at the University are employed as graduate student assistants. At UH Mānoa in Fall, 2017, only 1237 of the 4731 graduate students were employed as graduate student assistants; nearly three-quarters of graduate students are not employed by UH. In addition, graduate students can be hired as hourly employees (that are not considered graduate assistants) on campus through the same process used for undergraduate students.

Although proponents of this bill suggest that unionization is the answer to address social support or campus services for graduate assistants, the university already provides extensive support for student welfare through policies and programs.

The Office of Graduate Education at UH Mānoa is responsible for providing extensive services to all graduate students, including orientation programs for new students, professional development sessions on thesis/dissertation writing, research presentations, creating a resume, University research compliance matters, personal wellness and career/life balance, as well as workshops on Title IX that are available to all students. The Office of Graduate Education web site (<https://manoa.hawaii.edu/graduate/>) provides information on Title IX and sexual harassment laws, policies and resources specifically tailored to graduate students. One of the seven Deputy Title IX Coordinators at UH Mānoa is the Associate Dean in the Office of Graduate Education. She provides ready access for graduate students to the Title IX resources on campus and is typically the first point of contact to help resolve any issues brought to the attention of OGE.

UH Mānoa provides confidential support and advocacy in specific areas of student concern. All students can access Lesbian, Gay, Bisexual, Transgender Student Services, the Office of Gender Equity, the Prevention, Awareness, and Understanding (PAU) Violence Program, and Student Parents at Mānoa. These units provide advocacy, support, referrals, and direct student services to graduate students. The Counseling and Student Development Center offers confidential counseling and emotional support to students, and they offer walk-in appointments for urgent or emergency/crisis services. University Health Services Mānoa is staffed by physicians, nurse clinicians, nurses and other staff to offer a wide range of medical services and programs that graduate students can access.

Many of these offices and programs have outreach and communication events to help students understand policies and laws as well as resources and how to access them. As an example, the Title IX office at UH Mānoa has delivered 19 in-person, department-specific training programs on Title IX for graduate students only. Their plans are to increase the number of training sessions, and to hold some that are open to all graduate students.

All students at UHM can utilize the Academic Grievance Procedure to pursue concerns about grades and course-related matters. In addition, graduate students also pursue grievance through the Office of Graduate Education's Academic Grievance process for concerns about graduate program requirements, qualifying or comprehensive examinations, composition of their thesis or dissertation committee, final defense of their thesis or dissertation, or infringement of intellectual property. Grievances involving professional practices within a specific graduate program are handled by the program, with final authority resting with the Dean.

The academic interests of graduate students at UH Mānoa are represented by The Graduate Student Organization, comprised of representatives from each graduate department. As part of the academic governance process at UH Mānoa, they provide input on all issues affecting graduate students. Members of GSO have seats on over 40 campus committees. GSO has two seats on the Graduate Council, which meets monthly to advise the Graduate Dean on matters related to graduate education. GSO members have a voice, then, in the Council's work reviewing existing graduate programs, new graduate courses and programs, and the modification of courses and programs. Active in an array of student, campus, and community events, GSO also manages a robust grants and awards program to help foster research excellence among graduate students.

It is concerning that there are graduate students and graduate assistants who claim they do not know of the resources provided by the University for their welfare as students. The University can certainly re-double its efforts to provide effective and pervasive education, training and support services to all students on Title IX, sexual harassment, workplace and family/acquaintance violence. However, unionization of graduate assistants, in and of itself, does not add services. All students already have access to extensive services and resources as part of the University.

### Graduate Student Employment

In addition to the concerns and experiences of graduate students in general, graduate student assistants have claimed concerns related to their dual status as employees. Graduate student assistants receive either a 9- or 11-month appointment, generally with a work schedule of 20 hours per week or 0.50 full-time equivalence. They are supervised by a regular faculty member, or for GAs, a staff member or manager. Recruitment and hiring decisions, such as pay rates and work assignments, are made at the department level, or for GRAs, by Principle Investigators on grants. Pay rates must conform to the minimum stipend associated with each of the 20 steps in the graduate student assistant schedule, as described later in this document.

University policy and campus administrative practice define the following aspects of graduate student assistant employment:

1. *Minimum qualifications and eligibility.* Students must be enrolled in a graduate program in a discipline closely related to their duties, be in good academic standing, carry at least 6 units of graduate course credit.
2. *Work assignment.* Graduate student employees are usually hired on a 0.50 FTE basis (20 hours/week). Approval from the Office of Graduate Education is required to appoint a GTA to more than or less than this norm. During non-instructional periods, GTAs may work up to 40 hours/week. GTAs close to finishing their degree may petition the Office of Graduate Education to work up to 40 hours per week if the additional work is related to their thesis or dissertation. GRAs often are appointed at 40 hours/week.

3. *Overload pay.* Graduate student assistants who work for more hours than they are appointed to work must be compensated with overload pay at the overload rate used for lecturers.
4. *Outside work.* Graduate student assistants may hold only one assistantship at a time and may not be employed in another capacity at the University while they hold an assistantship. Work outside the University is discouraged as the priority for the University is the student's degree completion. However, in 2016, the University recognized the competing priority of students meeting their financial obligations and outside work is not prohibited.
5. *Tuition waiver.* Graduate student assistants receive a waiver of tuition for courses taken at their campus. There is a 100% tuition exemption for graduate students with a 0.50 FTE (20 hours/week) appointment and a 50% tuition exemption for graduate students with a 0.25 FTE (10 hours/week) appointment. Graduate student assistants still must pay the required student fees.
6. *Reappointment and step increases.* Appointments may be continued annually, based upon satisfactory performance and contingent on availability of funds and continuing need. After the first year, advancement to the next step in stipend (see below) shall be considered and the supervisor would request approval by the dean or equivalent. The maximum total time a student may be a graduate student assistant is three years for a master's degree student and 6 years for a doctoral or other terminal degree student.
7. *Stipend schedule.* The University establishes the minimum stipend to be paid for each of the 20 steps in the graduate student assistant schedule. There is a 4% differential between steps. This schedule is for 0.50 FTE appointments for either 9 or 11 months, and the stipend for 11-month appointments is 17% greater than that for 9-month appointments. The schedule was last adjusted in Fall 2016 and is due to be reviewed by the Office of Academic Policy and Planning before the end of the 2017-18 academic year. (see [https://www.hawaii.edu/policy/docs/temp/Attachment A Graduate Assistant Pay Schedule.pdf](https://www.hawaii.edu/policy/docs/temp/Attachment_A_Graduate_Assistant_Pay_Schedule.pdf))

In 2013, UH Mānoa Chancellor Tom Apple adjusted the schedule then in effect by raising the stipend for all graduate students appointed at steps 1 through 5 to the stipend associated with step 6. With this change, the stipend for entering graduate student assistants also rose from step 1 to step 6. Consequently, since Fall, 2013 the minimum stipend for a 0.50 FTE graduate student assistant at UH Mānoa has been \$17,502. Some of the testimony on this bill used the step 1 stipend when comparing UH Mānoa stipends with other campuses, but 0.50 FTE graduate student assistants should not have been paid at that low rate for the past 4 years.

8. *Benefits.* Graduate student assistants with 0.50 FTE appointment who serve for a minimum of three months are eligible for health plan benefits. Graduate student assistants who meet the eligibility requirements for the Family and Medical Leave

Act or Hawaii State Family Leave may request leave following University procedures. They do not qualify for retirement benefits. Establishing a collective bargaining unit for graduate assistants creates a financial burden for the state and, potentially, for graduate students.

9. *Schedule accommodation and duties coverage.* Graduate assistants do not earn vacation or sick leave. In situations where a graduate assistant is unable to attend work due to illness or emergency, they are to contact their supervisor, who is designated when they are appointed (e.g., department chair, principal investigator, etc.), who will identify a way to provide accommodations in the graduate student assistant's work schedule. In the case where there are critical teaching or research deadlines, the graduate assistant shall work with the designated supervisor to identify resources to provide the critical teaching or research coverage. This procedure is analogous to how faculty are required to notify their supervisor of absences because of illness.
10. *Employment-related grievances.* The University has had a grievance procedure in place since 1983 for employment-related grievances for persons (including applicants for positions) not covered by collective bargaining agreement grievance procedures or other applicable University procedures.

To summarize this procedure (see A9.110 for further details), a graduate student assistant or their representative files a written statement of the grievance with a Vice President (for system-related grievances) or a Chancellor (for campus-related grievances) within 20 days of the action complained of. The Vice President's or Chancellor's written decision is made within 20 days of receipt of the grievance. The graduate student assistant may appeal that decision to the President in writing within 15 days. The President or designee renders a final and binding decision within 30 days.

The University believes that we have policies and practices in place that treat graduate student assistants fairly. We undertook a major revision of our policies for graduate student assistants in 2016 and those revisions are reflected in many of the points listed above. It is clear from the testimony on this bill that we have more work to do in communicating our policies and practices on employing graduate student assistants. Toward that end, the Office of Graduate Education at UH Mānoa convened two task forces in Fall, 2017 to develop: 1) materials and training modules on the best practices for faculty mentoring of graduate students and 2) developing policies and procedures on how to improve the mentoring process campus-wide, including the response to cases where inadequate mentoring is taking place. The Office of Graduate Education works with the faculty on the Graduate Council and the larger Graduate Assembly (composed of the faculty Chairs of all graduate programs on campus) to improve existing practices and to identify new policies and practices that will enhance the welfare of all graduate students, not just those employed by the university.



Lastly, the University is opposed to this bill as a fiscal matter. The source of funds to pay for graduate assistants are from either tuition revenue of academic programs or research grant funds. In either case, if the Legislature were to authorize collective bargaining for graduate assistants, the University would expect that funding for collective bargaining would be provided through the same means as with other authorized bargaining units – via legislative authorization and appropriation. Funding for graduate assistants is currently limited to amounts fiscally permissible via UH generated revenue. If collective bargaining results in funding increases, then it should be expected that such funding would be afforded in the appropriation process.

As a mechanical matter, graduate assistants are not like any other government employee. Graduate assistants currently receive tuition waivers as part of their compensation. The tuition waiver is based on a number of factors that are specific to the individual. For example, tuition waivers would depend on a person's residency, academic field of study, program specifics of the degree, etc. The University structures compensation components with the intent that students can concentrate on achieving degree completion in timely manner. At UH Mānoa, for example, general resident graduate student tuition currently ranges is \$637 per credit hour and most GAs take 9 credits which equates to \$5733 per semester (\$11,466 annually), while non-resident tuition is \$1532 per credit hour, typically \$13,788 per semester (\$27,576 per year on average).

Graduate student assistants may also receive monetary stipends that can vary by the educational program in which they are enrolled. During the 2016-17 academic year, depending on residency, educational program, and schedule, the value of tuition waivers and stipends was estimated to typically range between \$28,958 (9-month GAs at the minimum stipend level taking 9 credits per semester) and \$50,604 annually (11-month GAs at the minimum stipend level taking 9 credits per semester), with a potential maximum value as high as \$58,663 annually (professional school tuition rates [Nursing] taking 12 credits, with a 11-month GAship at the top of the salary range). If this bill passes it will be expected that all of these current benefits will be bargained and negotiated for as part of the collective bargaining process.

The Regents budget request submitted to the Governor last year and this year included funds to increase graduate student stipends. The Legislature has yet to support such funding requests.

We thank you for this opportunity to testify on this measure.



The House Committee on Finance  
Wednesday, April 4, 2018  
2:45 PM, Conference Room 308

RE: **SB 2585, SD2, HD1 Relating to Collective Bargaining**

Attention: Chair Sylvia Luke, Vice Chair Ty Cullen and members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the committee to **support passage of SB 2585, SD2, 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.

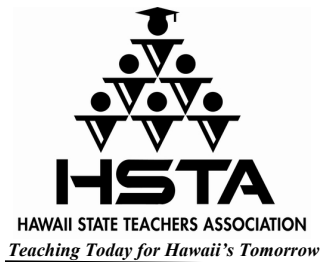
When representing faculty, UHPA has worked with graduates students, and on occasion, have provided guidance. The current University of Hawai'i policy governing Graduate Students does not provide the proper protections of this group of employees. Collective Bargaining would allow this group the following:

- Negotiation of grievance procedures with access to arbitration
- Protection from arbitrary and capricious behavior
- Negotiation of salary, wages and benefits

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.

Respectfully submitted,

Kristeen Hanselman  
Executive Director



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TESTIMONY BEFORE THE HOUSE COMMITTEES ON  
FINANCE

RE: SB 2585 SD2 HD1 - RELATING TO COLLECTIVE BARGAINING

WEDNESDAY, APRIL 4, 2018

COREY ROSENLEE, PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2585 SD2 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.



**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 Finance

Testimony by  
Hawaii Government Employees Association

April 5, 2018

S.B. 2585, S.D. 2, 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 S.B. 2585, S.D. 2, H.D. 1.

Graduate student assistants continue to encounter work related issues, including budgetary set backs and increases in class size and workload, which would be most fairly resolved via the bargaining process. The language proposed in S.B. 2585 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 contract negotiations.

Thank you for the opportunity to testify in strong support of S.B. 2585, S.D. 2, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director



Randy Perreira  
President

# HAWAII STATE AFL-CIO

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

Testimony by  
Hawaii State AFL-CIO

April 4, 2018

S.B. 2585, S.D.2, H.D.1– RELATING TO  
COLLECTIVE BARGAINING

The Hawaii State AFL-CIO strongly supports S.B. 2585, S.D.2, H.D.1 which establishes a collective bargaining unit for graduate student assistants employed 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 S.B. 2585, S.D.2, H.D.1.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira  
President

# IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

April 4, 2018

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

## SB2585 - RELATING TO COLLECTIVE BARGAINING

Chair Luke, Vice Chair Cullen, 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 seventy-five years and respectfully offers the following testimony in **STRONG SUPPORT** of Senate Bill 2585 (SB2585).

Graduate Student Assistants 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 SB2585** guaranteeing graduate students a voice in the workplace and 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



# Academic Labor United

[www.academiclaborunited.org](http://www.academiclaborunited.org)

Testimony from Academic Labor United  
Tuesday, March 20th, 2018  
2:10 PM, Room 309

Attention: House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Re: **Strong Support for SB2585 Relating to Collective Bargaining**

Thank you for the opportunity to provide testimony. Academic Labor United (ALU) stands in **strong support** of this bill. ALU is working to improve the lives of the 1250+ graduate assistants employed at the University of Hawaii and gain recognition for the work we do.

SB2585 will amend HRS 89-6 to create bargaining unit 15 for graduate assistants and provide a conflict resolution mechanism for said bargaining unit that is consistent with other units representing workers employed at the University of Hawaii. This will enable graduate assistants to organize for the purposes of collective bargaining.

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 manage the classroom. Our research assistants (GRA) are often working on multiple independent projects, performing cutting-edge research, at the direction of an assigned supervisor. Other graduate assistants (GA) are working in administrative offices and running key facilities, performing the same duties as any administrative office worker. Many GAs in fact work as replacements for positions that were once performed by better-paid, unionized faculty.

Article 13 Section 2 of the Hawaii State Constitution states “Persons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law.” (Hawaii. Const. art XIII, sex. 2) 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 Hawaii 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). They are recognized as employees by National Labor Relations Board, the State of Hawaii, and the University of Hawaii. It is clear that graduate assistants have a constitutionally guaranteed civil right to organize for the purposes of collective bargaining. (Hawaii. Const. art XIII, sex. 2)

In August 2016, the National Labor Relations Board reversed a Bush-era decision that had prevented graduate assistants at private universities from engaging in collective bargaining.



# Academic Labor United

[www.academiclaborunited.org](http://www.academiclaborunited.org)

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, Harvard University, and many more.

There are currently 33 graduate assistant unions at public universities in the United States. They include the University of California System, the University of Iowa, University of Washington, University of Illinois Chicago, and many more. ([CGEU, 2018](#)) Graduate assistant unions have existed for 50 years. We are not seeking to depart from the norm. Collective bargaining for graduate assistants has become the norm.

While executive management has made an annual pledge to turn over a new leaf and argued that they are better at handling workplace issues than organized workers, they have consistently failed to obtain any wage increases for graduate assistants while organized workers represented by a union have received regular wage increases. The combination of stagnant wages well below the minimum cost of living, zero job security, and the absence of basic benefits like sick, medical, and parental leave, make the University of Hawaii uncompetitive when it comes to recruiting and retaining graduate students.

In the Governor’s 2015 Veto Message, he stated the three flaws with the bill produced were that it 1) lacked a bargaining unit, 2) failed to identify the appropriate employer group, and 3) did not contain an impasse resolution mechanism. SB 2585 assigns graduate assistants to bargaining unit 15, identifies the employer group as the Governor, the President of the University of Hawai’i, and the Board of Regents in a manner consistent with bargaining units 7 and 8. Additionally SB 2585 includes an impasse resolution mechanism consistent with bargaining units 5 and 7. Revisions to the structure of the bill address all of the governors substantive concerns and are consistent with concepts of collective bargaining as practiced in Hawai’i.

The governor had additionally expressed concerns about the fiscal implications of workers gaining the ability to bargain for a better standard of living. He specifically mentioned the impact on the Employee Retirement System (ERS). It is our understanding that that Graduate Assistants are already excluded from the ERS and that under current law workers are prohibited from negotiating ERS and other retirement benefits.

Graduate assistants are denied paid sick days, medical leave, and parental leave. (University of Hawaii, 2016) According to a recent campus climate survey one in six graduate students experiences sexual harassment. (Loui et al. 36) Additionally, their harassers were significantly more likely to be employees at the university in positions of greater authority than others surveyed. (Loui et al. 38) Graduate assistants start at \$17,502 for a 9 month contract at UH Manoa and \$14,382 for a 9 month contract at UH Hilo. (University of Hawaii, 2016) They have not received a pay raise since 2004 while executive management have continued to see raises. Graduate assistants lack recourse when faced with administrative decisions that jeopardize their wellbeing and safety. They have no formal protection guaranteeing their right to free inquiry and expression. These are issues that unions have had success resolving.

Graduate assistants are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, conduct important research, and





# Academic Labor United

www.academiclaborunited.org

perform a substantial proportion of teaching and administrative duties. Unfortunately, we are poorly compensated and are vulnerable to capricious and arbitrary behavior by our employer. As individuals, we stand little chance of success in demanding better treatment and compensation, and the long history of failed attempts at improvements proves this to be true. Our best hope for improving our own situations, then, is to come together and collectively bargain for a better university. **For these reasons, we strongly urge that SB2585 be passed.**

Respectfully submitted,

Benton Rodden  
Academic Labor United

#### Sources:

1. Hawaii. Const. art. XIII. sec. 2
2. "NLRB.gov" *Board: Student Assistants Covered by the NLRA / NLRB*. N.p.,n.d, Web. 23 Jan. 2018.
3. "Coalition of Graduate Employee Unions." *United States- Coalition of Graduate Employee Unions*. [www.thecegu.org/wiki/United\\_States](http://www.thecegu.org/wiki/United_States).
4. "Executive Policy EP 5.223, Graduate Assistants." University of Hawaii. <https://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ep&policyChapter=5&policyNumber=223&menuView=closed>. n.d. Web Jan 23 2018
5. Loui, Patricia, et al. *REPORT ON UNIVERSITY OF HAWAII STUDENT CAMPUS CLIMATE SURVEY ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE*. Omni Trak Group, 2018.

Testimony from the Democratic Party of Hawai‘i Labor Caucus  
Wednesday, April 4th, 2018

Attention: House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Re: **Strong Support for SB2585 Relating to Collective Bargaining**

The Democratic Party of Hawaii Labor Caucus supports SB2585. SB2585 will create a bargaining unit for graduate assistants employed at the University of Hawai‘i. Doing so will allow this class of workers to exercise their right to organize and join a union so that they can collectively negotiate a fair contract, address workplace concerns through a grievance process, and build solidarity. For these reasons the Democratic Party of Hawai‘i Labor Caucus urges passage.

**SB-2585-HD-1**

Submitted on: 4/4/2018 1:41:18 PM

Testimony for FIN on 4/4/2018 2:45:00 PM

<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 stands in full support of our Grad Assistants!

From: Tom Iwanicki <iwanicki.t@gmail.com>  
Sent: Wednesday, April 4, 2018 2:07 PM  
To: FINTestimony  
Subject: Testimony in Support of SB2585

Date: Wednesday April 4, 2018

Time: 2:45 PM

Place: Conference Room 308

To: COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

Support for SB2585 Relating to Collective Bargaining

Dear Chair Luke, Vice Chair Cullen, and members of the House Finance Committee,

Thank you for the opportunity to provide testimony. My name is Thomas Iwanicki, and I am a Ph.D. student at the University of Hawai'i at Mānoa, and the Graduate Student Representative to the Biology Department in the College of Natural Sciences. I am writing in strong support of SB 406 to grant collective bargaining rights to graduate students employed by the University of Hawai'i (UH).

At state universities across this nation, graduate students represented by unions are better compensated, healthier, and more productive. Graduate students represent a significant proportion of teaching contact hours with undergraduates. Experience is vital to effective teaching. The current system at UH does not encourage experienced teaching assistants to continue on teaching assistantships because the compensation is unlivable; in fact, it achieves the opposite. The best teaching assistants are often in positions to acquire research assistantships (through external grants, not funded by the college) which pay wages reflective of the high cost of living in Hawai'i. We are losing good teachers because of bad policy. Furthermore, many graduate students aspire to be teachers and teaching assistantships offer essential experience. In light of low wages, and no meaningful way to advocate for better wages, experienced graduate students elect not to teach. Teaching assistants are suffering and undergraduates are being deprived of a better education. And finally, better wages for graduate students will benefit the economy, resulting in a greater number of people with disposable income to spend in their community.

Graduate students are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties. Unfortunately, we are poorly compensated and are vulnerable to exploitation and poor treatment. As individuals, we stand little chance of success in demanding better treatment and compensation, and the long history of failed attempts at improvements proves this to be true. Our only hope for improving our own situations, then, is to collectively bargain with the University administration. For these reasons, I strongly urge you to support SB2585.

Respectfully submitted,

Thomas Iwanicki

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Tom W. Iwanicki  
Department of Biology  
University of Hawai'i at Mānoa  
Honolulu, HI, USA

**SB-2585-HD-1**

Submitted on: 4/4/2018 1:59:18 PM

Testimony for FIN on 4/4/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

From: Nicole Woo <woonicoe@yahoo.com>  
Sent: Wednesday, April 4, 2018 2:00 PM  
To: FINTestimony  
Subject: SB 2585 SD2 HD1 - Relating to Collective Bargaining

House Committee on Finance  
Conference Room 308  
Wednesday, April 4, 2018, 2:45 PM  
Attending hearing: No

Dear Chair Luke, Vice Chair Cullen, and members of the Committee,

Thank you for the opportunity testimony in SUPPORT of SB2585 SD2 HD1, which would allow graduate assistants at the University of Hawaii to collectively bargain.

Graduate assistant unions have existed for five decades; there are currently dozens of graduate unions across the country. Research has found that university faculty report that graduate assistant unionization does not inhibit their ability to advise, instruct, or mentor.

The university depends on the labor of graduate assistants to function successfully. These workers instruct undergraduates, conduct essential research, and operate campus facilities. Yet they are not being paid a living wage, especially when faced with the highest cost of living in the nation here in Hawaii.

Hawaii has the second-highest union membership rate in the nation, behind only New York, reflecting our state's long leadership in the labor movement. Crucial workers, such as graduate assistants, deserve to be able to collectively bargain over the terms of their employment. It is long past time to give them that ability.

Mahalo for your consideration of my testimony. Please pass this important bill.

Nicole Woo  
Downtown Honolulu

FIN-Jo

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From: Diliaur Tellei <diliaur@gmail.com>  
Sent: Wednesday, April 4, 2018 2:17 PM  
To: FINTestimony  
Subject: SB 2585 - STRONG SUPPORT

Dear Chair Luke and members of the Finance Committee,

My name is Diliaur Tellei and I'm a graduate assistant at the University of Hawaii at Manoa. I'm writing in strong support of SB 2585. This is in reference to the hearing scheduled for today (Wednesday, April 4, 2018) at 2:45pm. Thank you for scheduling the hearing of our bill.

As a graduate student and a graduate assistant and as someone who is close friends with other grad students/ assistants, I have a lot of personal and ethical reasons for supporting this bill -- but it all boils down to the fact that a group without a voice which must be listened to is bound to be oppressed.

I know you've heard the stories about lagging pay scales, about overwork, about harassment (sexual or otherwise) and retaliation by superiors, and more. The university administration in its prior testimony says that it has systems to address these problems. It says it has moved on some of these issues. And these statements are true, to an extent. However, when you have to rely on the very system which may be hurting you to provide you justice -- people end up falling through the cracks. Not to mention the university's processes are labyrinthine and slow-moving.

Ultimately, a union of our peers will be advocates that grad students can truly trust. Not only that, the visibility of the union will provide another, more accessible pathway for students to seek help.

For these reasons I submit this testimony in strong support of SB2585 and hope it can be taken into consideration.

Sincerely,  
Diliaur Tellei