

SB 2585

SD-2

**RELATING TO
COLLECTIVE
BARGAINING**

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 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) Graduate student assistants employed by the University
16 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 units (5) ~~[7]~~ and (15);
- 6 (7) Temporary employee of three months' duration or less;
- 7 (8) Employee of the executive office of the governor or a
8 household employee at Washington Place;
- 9 (9) Employee of the executive office of the lieutenant
10 governor;
- 11 (10) Employee of the executive office of the mayor;
- 12 (11) Staff of the legislative branch of the State;
- 13 (12) Staff of the legislative branches of the counties,
14 except employees of the clerks' offices of the
15 counties;
- 16 (13) Any commissioned and enlisted personnel of the Hawaii
17 national guard;
- 18 (14) Inmate, kokua, patient, or ward~~[7 or student of a~~
19 ~~state institution]~~;
- 20 ~~[-(15) Student help,~~
- 21 ~~-(16)]~~ (15) Staff of the Hawaii labor relations board;



1 [~~(17)~~] (16) Employees of the Hawaii national guard youth
 2 challenge academy; or
 3 [~~(18)~~] (17) Employees of the office of elections."

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

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

15 (1) Voluntary mediation. During the first twenty days of
 16 the date of impasse, either party may request the
 17 board to assist in a voluntary resolution of the
 18 impasse by appointing a mediator or mediators,
 19 representative of the public from a list of qualified
 20 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
5 prohibited by any agreement pending between them,
6 other 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 July 1, 2050.



S.B. NO. 2585
S.D. 2

Report Title:

Collective Bargaining; Graduate Student Assistants; University of Hawaii

Description:

Establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii. Effective 7/1/2050. (SD2)

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



SB 2585

SD-2

TESTIMONY

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
HONOLULU, HAWAII 96813-2437

March 12, 2018

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
For Hearing on Tuesday, March 13, 2018
10:30 a.m., Conference Room 309

By

RYKER WADA
OFFICE OF COLLECTIVE BARGAINING, CHIEF NEGOTIATOR

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

CHAIRPERSON JOHANSON, VICE CHAIR HOLT, AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT:

Senate Bill No. 2585 SD2, 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
ACTING 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 LAUREL A. JOHNSTON
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
SENATE BILL NO. 2585, S.D. 2

**March 13, 2018
10:30 a.m.
Room 309**

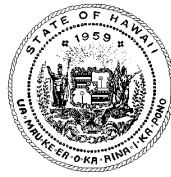
RELATING TO COLLECTIVE BARGAINING

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 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 your consideration of our comments.

DAVID Y. IGE
GOVERNOR



RYKER WADA
INTERIM DIRECTOR

JASON MINAMI
DEPUTY DIRECTOR

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

March 12, 2018

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
For Hearing on Tuesday, March 13, 2018
10:30 a.m., Conference Room 309

By

RYKER WADA
INTERIM DIRECTOR

Senate Bill No. 2585, S.D. 2
Relating to Collective Bargaining

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

Thank you for the opportunity to provide comments on S.B. No. 2585, S.D.2.

S.B. No. 2585, S.D.2 proposes to establish a collective bargaining unit for graduate student assistants employed by the University of Hawai'i and also proposes amendments to Section 89-6.

The Department of Human Resources Development ("DHRD") provides no comments regarding the establishment of the collective bargaining unit for graduate student assistants.

However, DHRD provides comments regarding the proposed amendments to delete references to "student[s] of a state institution" and "Student help" from Section 89-6(f)(14) and (15) respectively. Specifically, DHRD is concerned that, if enacted as written, the aforementioned deletions will inadvertently eliminate the exclusion of high school students and college student help who are not graduate student assistants.

As such, should this measure continue forward, DHRD respectfully requests that references to “student of a state institution” and “Student help” not be stricken from Sections 89-6(f)(14) and (15). Instead, DHRD provides the following proposed language to Sections 89-6(f)(14) and (15) for consideration:

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

(14) Inmate, kokua, patient or ward, or student of a state institution;

(15) Student help[;], except for graduate student assistants employed by the University of Hawai'i;

Thank you for the opportunity to provide testimony regarding this bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Labor & Public Employment
March 13, 2018 at 10:30 a.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 – RELATING TO COLLECTIVE BARGAINING

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

The University of Hawai'i (UH) writes in opposition to SB 2585 SD2, 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 on campus through the same process used for undergraduate students. The university 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 concerns us that there are graduate students who do not know of the resources we provide for their welfare and that educational programs have not reached them. We take the testimony you received on this bill as a call to re-double our efforts to provide effective and pervasive education, training and support services to all students on Title IX, sexual harassment, workplace and family/acquaintance violence. Students cannot reach their full potential unless they are safe and know how to remain so.

Graduate Student Employment

In addition to the concerns and experiences of graduate students in general, graduate student assistants have 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)

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.

The Regents budget request submitted to the Governor last year and this year included funds to increase graduate student stipends. UH continues to request funds for this purpose.

We commit here to a focused effort over the next three months that will bring together the administrative, faculty, and student entities having responsibility for the education and welfare of our graduate students, with the aim of ensuring effective communication of current university policies and practices, as well as facilitating input and feedback on new and proposed policies and practices.

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

DAVID Y. IGE
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII

TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON

SENATE BILL NO. 2585, S.D. 2

March 13, 2018
10:30 A.M.
Conference Room 309

RELATING TO COLLECTIVE BARGAINING

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

S.B. 2585, S.D.2 proposes to establish a collective bargaining unit for graduate student assistants employed by the University of Hawaii.

The Employees' Retirement System ("ERS") respectfully notes that, if the benefits to be collectively bargained under the provisions of S.B 2585, S.D. 2 include membership in the ERS, the Legislature should be aware of the effect of these proposed changes.

Under Chapter 6-21-14 of the Hawaii Administrative Rules ("HAR") related to exclusion from membership in the ERS there are certain employees excluded from membership. Chapter 6-21-14, HAR states in part that the following employees shall be excluded from ERS membership:

"§6-21-14(6) Graduate assistants of the University of Hawaii;...



Employees' Retirement System
of the State of Hawaii

§6-21-14(9) Students, including graduate school students, employed as student helpers, student hires, student aides, summer student law clerks, college student interns, or in similar non-permanent positions.”

Amendments proposed under Section 2 of S.B. 2585, S.D.2 specifically creates a bargaining unit for graduate student assistants at the University of Hawaii and deletes the provision which would exclude student help from being included in any appropriate bargaining unit. The ERS would encourage any discussion regarding the proposed bargaining unit coverage to clarify whether ERS membership would be one of the benefit items to be collectively bargained.

Thank you for this opportunity to provide testimony on S.B. 2585, S.D. 2.



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

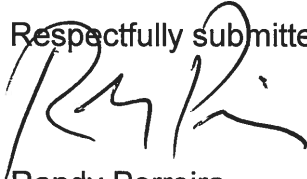
March 13, 2018

S.B. 2585, S.D. 2 – 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.

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.

Respectfully submitted,

Randy Perreira
Executive Director



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

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

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

Testimony by
Hawaii State AFL-CIO

March 13, 2018

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

The Hawaii State AFL-CIO strongly supports S.B. 2585, S.D.2 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.

Thank you for the opportunity to testify.

Respectfully submitted,

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

Randy Perreira
President



Chair Johanson
Vice Chair Holt
House Committee on Labor & Public Employment

Tuesday March 13, 2018
10:30 AM

TESTIMONY IN STRONG SUPPORT OF SB2585 SD2 RELATING TO COLLECTIVE BARGAINING

Aloha Chair Johanson, Vice Chair Holt, Members of the House Committee on Labor & Public Employment,

My name is Jun Shin. I am a freshman at the University of Hawaii, and I am a board member at-large for Young Progressives Demanding Action – Hawaii (YPDA Hawaii). I am testifying in **strong support of SB2585 SD2**.

As a young person who has decided to step up and take part in the legislative process and a Freshman Political Science at the University of Hawaii at Manoa, this has become a very important issue to me. I have seen amazing energy from graduate students, who have stepped up, went to meet and lobby our elected officials, and all those who have worked hard to write and prepare to give oral testimony

They have been inspirational. In a time where many people see young people as individuals who don't care about politics and the impact it has on their future, these grad students who are working hard to unionize have proven them wrong by grad students going the distance to seek to improve their conditions and unionize through politics. As I have emphasized before, I admire passion in individuals. Graduate student assistants are passionate about the subjects they are teaching in, as exemplified by the fact that they are seeking higher education in these subjects. I also have a personal connection due to several of my instructors being graduate students, with one really making me love the subject of English, and another really giving me different perspective on American history.

Even beyond personal feelings, they are workers. Just like musicians, hotel workers, construction workers, and the many fields that are represented by unions, graduate students are workers who should not be denied their human rights. It's more than getting paid, the workers should be able to have a say in their workplace and really have a venue to address and find solutions to issues that are very important to them and their success such as equal pay, sexual harassment, abuse of authority, and discrimination against non binary individuals.

As the backbone of our universities through instructing, administrative work, tutoring, and so much more in the line of work that shapes the futures of so many, I want to conclude with this. When graduate students succeed, Hawaii succeeds. **Please pass SB2585 SD2.**

Thank you for this opportunity to testify,

Jun Shin,

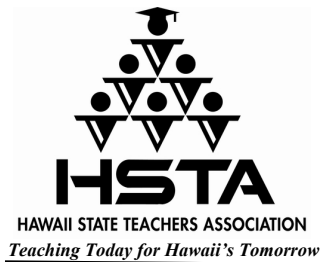
Board Member At-Large

Young Progressives Demanding Action – Hawaii

1561 Kanunu St. #2106 Honolulu, HI 96814

Cell: 808-255-6663

Email: junshinbusiness729@gmail.com



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: SB 2585, SD 2 - RELATING TO COLLECTIVE BARGAINING

TUESDAY, MARCH 13, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Johanson and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2585, SD 2**, 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.



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

**TESTIMONY FOR SENATE BILL 2585, SENATE DRAFT 2, RELATING TO
COLLECTIVE BARGAINING**

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

**Tuesday, March 13, 2018, 10:30 AM
State Capitol, Conference Room 309**

Honorable Chair Johanson and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of Senate Bill 2585, SD 2, 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, moreover, 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 engage with management about workplace problems, inefficient

processes, unfair work conditions, and unsupportive compensation. Unions also reduce employee turnover and increase the retention of highly experienced employees, creating circumstances that favor professional development and mutual trust in the workplace.

Graduate student assistants at the University of Hawai'i have earned the right to demand 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 university 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 duration of graduate positions only heightens the urgency of establishing collective bargaining protections, as temporary employees too often fall prey to employers 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 maintains. Most startlingly, UH graduate assistants currently earn an average of \$18,256 per year, according to Glassdoor.com, a number that has not significantly increased since the 2003-2004 academic year. At the sunrise of 2018, that amount carries nearly \$6,000 less purchasing power than it did fourteen 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 strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



The House Committee on Labor & Public Employment
Tuesday, March 13, 2018
10:30 AM, Conference Room 309

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

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

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

University of Hawaii
Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 ♦ Facsimile: (808) 593-2160
Website: www.uhpa.org

SB-2585-SD-2

Submitted on: 3/12/2018 10:24:01 AM

Testimony for LAB on 3/13/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:



Academic Labor United

www.academiclaborunited.org

Testimony from Academic Labor United
Tuesday, March 13th, 2018
10:30 AM, Room 309

Attention: House Committee on Labor and Public Employment
Representative Aaron Ling Johanson, Chair
Representative Daniel Holt, 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 an impasse 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

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 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. We contend that 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 that young people saving for retirement could have on the Employee Retirement System (ERS). In an effort to assuage the Governor’s fiscal concerns, we are willing to accept carving bargaining unit 15 entirely out of the ERS. We recognize that this is a significant concession and one that we should not have to make in order to access constitutionally guaranteed civil rights.

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.



Academic Labor United

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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 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.**

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.thecgeu.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'S STUDENT CAMPUS CLIMATE SURVEY ON SEXUAL HARASSMENT AND GENDER-BASED VIOLENCE*. Omni Trak Group, 2018.

List of Testifiers SB 2585
-Support

Helen Sung
Noam Altman- Kurosaki
Rachel Dacks
Nathan Yuen
Erika Ruppelius
Rachael Wade
Nicole Choton
Anela Akiona
Justin Jansen
Van Wishingrad
Kevin Landers
Ida Peric
Chelsie Counsell
Megan Bent
Wesley Sparagon
Nicholas Chagnon
Kornelia Thomas
Susana Roman
Nathaniel Wehr
Lucie Knor
Jessica Schaefer
Hannah Liebreich
Joseph Han
Kyle Kajihiro
Piikea Kalakau
Raphael Leonard
Kahala Johnson
Kainani Derrickson
James McDonough
Eric Diley
Aissa Yazzie
Nicole Woo
Lisa Grandinetti
Chad Shomura
Nicole Grove
Yeonhee Kim
Steven Canales
Sitara Palecanda
Matthew Lorentz
Mirza Uzair Baig
Vania Filipa Lima Fernandes
Jesse Black
Veerle Van Wijk
Katherine Kazlaukas
Jessica Perelman

Kevin Landers
Ashley McGuigan
Kamahuialani Barbett
Laura Williams
Kate Feloy
Anamica Bedi
Ross Villiger
Janet Graham
Randy Ching
Florybeth La Valle
Narrissa Spies
Alex Miller
Nanea Lo
Daniel Wilkie
Iskandar Rabeendran
Randy Gonce
Charis Dowell
Daniel Flores
Ryan Jones
Katherine Achacoso
Kathleen Tatem
Don Kransky
Michelle Brown
Olivia Conover
Jason Ellinwood
Derek Ford
Tyler Greenhill
Kerry Long
Maya Uemoto
Liat Portner
Sean Harrington
Kirsten Moy
Brett Jones
Joy Enomoto
Will Cecil
Wendan Li
David Stupplebeen
Joshua Irvine
Tom Iwanicki
Holly Arthur
Jamaica Osorio
Nicholas Chagnon
Van Wishingrad
Katherine Burke
Taylor Stacy
Hunter Heavilin
Rebecca Maria Goldschmidt
Benton Rodden

House Committee on Labor & Public Employment
Conference Room 309

Chair: Rep. Aaron Ling Johanson

Vice Chair: Rep. Daniel Holt

Tuesday, March 13, 2018 at 10:30 a.m.

Thank you for the opportunity to provide testimony. I write in strong support of SB2585. SB2585, if passed, will create a new bargaining unit, 15, for graduate assistants in Hawaii. At some point every undergraduate student is taught by a graduate teaching assistant; graduate research assistants advance scientific frontiers; and graduate administrative assistants run key facilities on campus. The university increasingly relies on graduate labor to run. Graduate assistants deserve a seat at the table when decisions are made that affect their lives, those of their students, and the broader community. Unfortunately, graduate assistants are poorly compensated, with wages that are far below a living wage and far below competitive standards of other universities. Graduate assistant compensation has neither kept up with inflation, the cost of living, or rising productivity. Additionally, graduate assistants are vulnerable to capricious and arbitrary decisions and attacks from management, including sexual harassment, without a proper mechanism for pursuing grievances.

In 2016, the National Labor Relations Board reversed the decades-long ban on private university graduate unions at places such as the University of Chicago, Harvard, and Yale, declaring that graduate assistants are workers that deserve the right to unionize. There are currently dozens of graduate unions across the country at public and private institutions, in states such as California, Oregon, Washington, New York, Illinois, Montana, Massachusetts, Iowa, and many more. Graduate assistant unions have existed for 50 years, and all scholarly research has shown that unionized graduate assistants report higher levels of personal/professional support and higher pay that improves educational outcomes, and that faculty report that unionization does not inhibit their ability to advise, instruct, or mentor.

Hawaii led the way in breaking ground for labor unions. For the cutting-edge research and instruction graduate assistants do, the ability to collectively bargain over compensation, benefits, and working conditions is essential and long overdue. I urge you to pass SB2585.



Aloha Chair Johanson, Vice Chair Holt, members of the House Committee on Labor,

On behalf of the nearly 600 registered members of the Hawai'i chapter of the Young Progressives Demanding Action (YPDA), many of whom are students and student laborers, I would like to express my **strong support** for SB2585 (SD1). YPDA supports the basic human right of all workers to unionize. While graduate assistants are still technically students, it is undeniable that they labor in production of vital research, teaching outcomes and administrative duties.

In the past few years, an increasing amount of work previously performed by unionized faculty is being performed by graduate labor instead, for lower pay and less freedom. As wages have stagnated and the cost of living continues to rise, they have formed Academic Labor United as an organizing vehicle, but it's time for the state to recognize their basic human right to unionize.

Article 23 of the United Nations Universal Declaration of Human Rights states:

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- **Everyone has the right to form and to join trade unions for the protection of his interests.**

The privatization of our public university institutions has resulted in a declining cycle of budget cuts and rising tuition that puts more strain on graduate student workers by simultaneously requiring more labor from them for stagnating wages, while also costing them more out of pocket to obtain their degree. It is high time we afford these hardworking young people the right to collectively bargain for better pay, benefits and working conditions.

Mahalo,

Will Caron
Social Justice Action Committee Chair
8083874920

SB-2585-SD-2

Submitted on: 3/12/2018 10:07:59 AM

Testimony for LAB on 3/13/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Chen	Individual	Support	Yes

Comments:

I am currently a graduate student at the University of Hawai'i at Mānoa, in the final semester of my Master's of Social Work program at the Myron B. Thompson School of Social Work. While I myself am not a graduate assistant, many of my friends are. Many of them would not be able to afford a graduate education without the tuition waiver many graduate assistantships offer.

Because of their status as students, it is often easy to forget that graduate students are in fact cheap labor. Currently, the base salary for graduate assistants University of Hawai'i at Mānoa is \$17,500, just over half of the calculated living wage for a single adult in Hawai'i, and a number that is far below the competitive standards of other universities. At this time, UH Mānoa has over 1,200 graduate student assistants who labor as research, administrative, and of course, teaching assistants.

The work these graduate assistants do is invaluable. At some point in their undergraduate careers, every UH student is taught by a graduate student; even at the graduate level, I have had instructors who were graduate teaching assistants. Many of the departments are run with the help of administrative assistants, and research assistants provide the university with valuable research that cannot be replicated elsewhere. The university flourishes on the backs of graduate student assistants. It cannot thrive without them.

Even so, graduate student assistants at the University of Hawai'i at Mānoa do not have representation or a formal mechanism to pursue grievances should they need to do so. These deficiencies leave graduate student assistants vulnerable to abuse, for which they have no legal recourse.

For these reasons, I support SB2585, which seeks to allow graduate student assistants in Hawai'i to form a collective bargaining unit. Graduate students should have the right to represent and advocate for themselves. Research has shown that unionized graduate assistants report higher levels of personal and professional support and of higher pay, resulting in improved educational outcomes. Faculty report that unionization at their institutions does not hinder their ability to instruct, advise, or mentor. In the last 50 years, more than 30 officially recognized graduate student unions have been established at both private and public universities in states such as California, Oregon, Washington, New York, Illinois, Montana, Massachusetts, and Iowa. This list should

include Hawai'i. I urge you to support the rights of graduate student assistants and to pass SB2585.

REPRESENTATIVE AARON JOHANSON
COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

Taylor Lewis
Graduate Student Organization (University of Hawai‘i at Mānoa)
301-219-0244

Tuesday, March 13, 2018

Support for S.B. No. 2585, Relating to Collective Bargaining

I am writing in strong support of SB2585, which would allow graduate students in Hawai‘i to create a collective bargaining unit. My work with the Graduate Student Organization at the University of Hawai‘i at Mānoa has always been centered on listening to and supporting students. Often those conversations start with the stress that we are facing and end with us running off to some duty, or to recover from a busy day. While we might have not known exactly what graduate school would be like before enrolling, we knew that there would be a lot of work. What most of us did not expect was that the act of surviving would be one of those burdens.

I have been fortunate enough to be supported by my department at UH-Mānoa. But though my department may have good intentions, my salary must be supplemented in so many diverse ways that I cannot give a clear number on how many jobs I maintain. I have been fortunate enough to work in a supportive environment, but it seems not a day has gone by without hearing about another student’s mistreatment.

Allowing graduate student assistants the possibility of unionization is not just so that we can get paid more—though the cost of living in Hawai‘i and declining graduate student enrollment at UH-Mānoa suggests that we should. Most of us are used to scrapping to get by. But there is always a sense of shock from students when they tell me about having to fight for the compensation they were promised, or to not be punished for not working because of a health emergency, or having to endure an abusive supervisor for the sake of their education. Graduate student assistants are suffering from abuse at this very moment, and every delay in denying them their rights as workers is an affront to their dignity as human beings.

These concerns about the workplace environment must not be conflated with those concerning academics. Many graduate students must navigate both their lives as students and as workers, but that reality does not mean that those two aspects of our lives can or should be addressed as one. They entail different responsibilities and have different expectations. What’s more, working to improve the offices that address workplace concerns on this campus does not mean that graduate student assistants will not need independent advocates to navigate the system, for the same reasons that faculty and staff at the university need union representatives.

We understand the perspective of those who oppose this bill based on financial costs. But to oppose a measure based on speculation when we have the actual numbers on declining graduate student enrollment and the disparity between the base salary for graduate student assistants and

the cost of living in Hawai‘i seems illogical. What’s more, documentation of mistreatment can largely only be found on social media or in conversation because students risk their careers by coming forward in a system that has no formal process and guarantees little, if any, protection. As tax-paying and tuition-burdened students, we do not desire either of those costs to go up on us or our peers. But because of those costs, we cannot continue to ignore the fragile situation we are forced into, especially when we can provide concrete evidence of our vulnerability while others only provide speculation.

Collective bargaining for graduate student assistants is beneficial not just for us. We advertise and advocate for this university whenever we talk to our families and friends—some of whom are considering enrolling here. Through empowering its students, the university empowers itself. Because of my love for what this university has given me, I urge the committee to pass SB2585. Thank you for accepting my testimony.

Dear Respected Members of the Committee:

Mahalo nui loa for the opportunity to provide testimony in strong support of SB2585. SB2585, if passed, will create a new bargaining unit, 15, for graduate assistants in Hawai'i. At some point every undergraduate student is taught by a graduate teaching assistant; graduate research assistants advance scientific frontiers; and graduate administrative assistants run key facilities on campus. The university increasingly relies on graduate labor to run. Graduate assistants deserve a seat at the table when decisions are made that affect their lives, those of their students, and the broader community. Unfortunately, graduate assistants are poorly compensated, with wages that are far below a living wage and far below competitive standards of other universities. Graduate assistant compensation has neither kept up with inflation, the cost of living, or rising productivity. Additionally, graduate assistants are vulnerable to capricious and arbitrary decisions from management without a proper mechanism for pursuing grievances. This precarious situation of graduate assistants was made all the more clear during last year's debate over proposed tax reforms made by the Trump administration that would have drastically reduced graduate assistants' take-home pay.

On a personal level, I have worked as a teaching assistant and research assistant at UH Mānoa for the past three years, and in that time I have had the great pleasure of teaching and working with many of UH Mānoa's bright and promising students. It is work that I have found highly rewarding. Unfortunately, the low pay has meant that I struggle to support my family of three, including paying for my son's preschool tuition. Fortunately, we have been able to keep our son in preschool, but I know many other graduate assistant parents who, when faced with the difficult choice of either paying tuition or paying the month's rent, have had to withdraw their keiki from preschool. Moreover, graduate assistants do not accrue vacation time and must work when the rest of the university is on break. Indeed, graduate assistants do not even have guaranteed sick days. The fact that it is very difficult for graduate assistants to take time off from work means that parents struggle to find affordable childcare during times when schools are on break. I believe that, through collective bargaining, a graduate assistant union would be able to greatly improve the lives of parents like myself.

In 2016, the National Labor Relations Board reversed the decades-long ban on private university graduate unions at places such as the University of Chicago, Harvard, and Yale, declaring that graduate assistants are workers that deserve the right to unionize. There are currently dozens of graduate unions across the country at public and private institutions, in states such as California, Oregon, Washington, New York, Illinois, Montana, Massachusetts, Iowa, and many more. Graduate assistant unions have existed for 50 years, and all scholarly research has shown that unionized graduate assistants report higher levels of personal/professional support and higher pay that improves educational outcomes, and that faculty report that unionization does not inhibit their ability to advise, instruct, or mentor.

Hawai'i has led the way in breaking ground in supporting public sector unions, and it is my sincere hope that Hawai'i continues to show its strong support for unions and working people. For the cutting-edge research and instruction graduate assistants do, the ability to collectively bargain over compensation, benefits, and working conditions is essential and long overdue. I urge you to pass SB2585.

Respectfully yours,

Keith Scott

SB 2585

SD-2

LATE

TESTIMONY

DAVID Y. IGE
GOVERNOR

DOUG S. CHIN
LIEUTENANT GOVERNOR

LEONARD HOSHIJO
ACTING DIRECTOR, DLIR



MARCUS R. OSHIRO
CHAIR

SESNITA A.D. MOEPONO
HLRB MEMBER

J N. MUSTO
HLRB MEMBER

STATE OF HAWAII
HAWAII LABOR RELATIONS HLRB
830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813
TELEPHONE 586-8610/ FAX 586-8613
E-MAIL dlir.laborHLRB@hawaii.gov

LATE

March 12, 2018

To: The Honorable Aaron Ling Johanson, Chair,
The Honorable Daniel Holt, Vice Chair, and
Members of the House Committee on Labor & Public Employment

Date: Thursday, March 13, 2018
Time: 10:30 a.m.
Place: Conference Room 309, State Capitol

From: Hawaii Labor Relations HLRB (HLRB)
Dept. of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2585 SD 2 Relating to Collective Bargaining

I. OVERVIEW OF PROPOSED LEGISLATION

This bill establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii effective 7/1/2050.

The HLRB takes no position on this bill.

II. CURRENT LAW

Graduate student assistants are not currently afforded the right to collectively bargain under Hawaii Revised Statutes Chapter 89.

III. COMMENTS ON THE BILL

As the bill is currently drafted, the establishment of a new bargaining unit 15 would require a new election for the exclusive representative. The last time the HLRB held an election was more than forty (40) years ago and the board no longer has the staff or money to conduct an election on the islands where a bargaining unit 15 member works. A new election and possibly a run-off election for an exclusive representative requires posting election notices, printing ballots, renting election voting places, hiring election staff and investigating objections. This will require hiring at least two

temporary positions at a cost of \$40,000 each or \$80,000 and \$30,000 for travel and rent for a total of \$110,000.

Thank you for the opportunity to testify on this bill.

IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

March 13, 2018

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

SB2585 - RELATING TO COLLECTIVE BARGAINING

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

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 provide testimony on this issue.

Respectfully,



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



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