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OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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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 RODERICK K. BECKER
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 1368, S.D. 1

February 25, 2019
10:25 a.m.
Room 211

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 has concerns with this measure. The cost implications of allowing graduate student assistants to collectively bargain are a 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.

SB-1368-SD-1

Submitted on: 2/22/2019 12:50:55 PM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 1368.

We view this measure as assuring economic and social justice for the Graduate Assistance at the University of Hawaii.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawaii

The Thirtieth Legislature
Regular Session of 2019

THE SENATE

Committee on Ways and Means
Senator Donovan Dela Cruz, Chair
Senator Gilbert Keith-Agaran Vice Chair
State Capitol, Conference Room 211
Tuesday, February 25, 2019; 10:25 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 1368, S.D.1
RELATING TO COLLECTIVE BARGAINING**

The ILWU Local 142 **strongly supports** S.B. 1368, S.D.1, which establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii.

S.B. 1368, S.D.1 is not complicated – it simply grants collective bargaining rights by establishing bargaining unit 15 for graduate student assistants employed by the University of Hawaii - a right graduate students have been seeking for over a decade.

Our State Constitution specifically proclaims persons in private and public employment shall have the right to organize for the purpose of collective bargaining – a clause that has held strong in our Constitution for over four decades. Graduate student assistants are employed by the University of Hawaii as **employees** and perform numerous duties and tasks such as teaching classes, grading assignments, developing curriculum in addition to other responsibilities that may be assigned by the professor and/or university. Many graduate student assistants often work over 40 hours per week on a salary that is nearly equal to Hawaii’s minimum wage resulting in many having to obtain two or three jobs simply to afford Hawaii’s high cost of living all while attending classes to obtain their own degree(s).

Having the right to collectively bargain will provide graduate student assistants with a unified voice, improved work conditions, better workplace safety and overall a better quality of life. As current at-will employees, termination can occur at any time for nearly any reason leaving many fearful to speak up, unsure of what the recourse may be. With representation, the situation is handled fairly and appropriately – graduate student assistants can file grievances while being protected without any fear of retaliation. Further, having collective bargaining rights not only helps secure a better financial outlook including an improved work environment but also ensures proper justice occurs when an abject situation arises.

As **employees** of the University of Hawaii, graduate student assistants have every right to seek representation – they have terms of employment which includes responsibilities, work days, and work hours. The University also describes graduate student assistants as professionals that are **employed** at the school. In addition, Hawaii’s Constitution grants them those rights just like other workers employed at the University of Hawaii or at other state departments and agencies.

Additionally, nearly 40 public and private graduate student unions have been formed across the country – including at prestigious universities such as Harvard, Columbia, and Brown. The fact is, collective bargaining rights for graduate student unions are not new or unheard of, but rather

popular and continue to gain popularity each year. In truth, every worker deserves the right to organize allowing them to have the protections and financial security they deserve. While graduate student assistants employed at the University of Hawaii fall under the Hawaii Labor Relations Board (HLRB) it should be noted that in August 2016, a ruling by the National Labor Relations Board (NLRB) found that “student teaching assistants” and “student research assistants” are **employees** at private universities and therefore have the right to unionize under the National Labor Relations Act.

The ILWU believes all workers deserve the right to organize and strongly urges the passage of S.B. 1368, S.D.1. Thank you for the opportunity to testify.



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Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS

RE: SB 1368, SD1 - RELATING TO COLLECTIVE BARGAINING

MONDAY, FEBRUARY 25, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz, and Members of the Committee:

The Hawaii State Teachers Association **supports SB 1368, SD1** relating to collective bargaining.

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 workers rights. We just join other states who have allowed graduate assistants to unionize. 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.



The Senate Committee on Ways and Means
Monday, February 25, 2019
10:25 pm, Conference Room 211

RE: **SB 1368, SD1 RELATING TO COLLECTIVE BARGAINING**

Attention: Chair Donovan M. Dela Cruz, Vice Chair Gilbert S.C. Keith-Agaran and members of the Committee

The University of Hawaii Professional Assembly (UHPA) urges the joint committees to **support passage of SB 1368, SD1**, that amends Section 89-6 of the Hawai'i Revised Statute creating a bargaining unit for the graduate assistants to help advance the interests of a group of public employees that currently do not have the right to collectively bargain.

UHPA represents the faculty across the ten campus University of Hawai'i System, and on occasion, have provided guidance to graduate assistants. The current University of Hawai'i policy governing graduate assistants does not provide the proper protections for representation for this group of public 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

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

While UHPA is unable to represent graduate assistants, UHPA supports the rights of graduate assistants to organize and collectively bargain. Such a right is consistent with the labor tradition in our state and is compatible with an academic environment whereby the majority of employees have access to representation.

Thank you for the opportunity to provide testimony in **support of SB 1368, SD1**.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristeen Hanselman".

Kristeen Hanselman
Executive Director



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Ways and Means
February 25, 2019 at 10:25 a.m.

By
Donald O. Straney
Vice President for Academic Planning and Policy
University of Hawai'i System

SB 1368 SD1 – RELATING TO COLLECTIVE BARGAINING

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

The University of Hawai'i (UH) writes in opposition to SB 1368 SD1, 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, as 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 Spring 2019, only 1286 of the 4177 graduate students (31%) were employed as graduate student assistants; the remaining 70% 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 Graduate Division 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. Graduate Division's 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 Graduate Division, who 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 Graduate Division.

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 UH Mānoa can utilize the Academic Grievance Procedure to pursue concerns about grades and course-related matters. In addition, graduate students also pursue grievance through Graduate Division'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 (GSO), 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 Graduate Division 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 Graduate Division 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 (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, former 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. In 2017, Interim Chancellor Lassner set a new minimum stipend level for all GAs at Step 7 for Fall 2018 appointments and another increase to step 8 for Fall 2019 appointments.

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 Hawai'i 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, Graduate Division at UH Mānoa convened two task forces to: 1) develop materials and training modules on the best practices for faculty mentoring of graduate students; and 2) develop policies and procedures on how to improve the mentoring process campus-wide, including the response to cases where inadequate mentoring is taking place. Graduate Division 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 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 is currently is \$650 per credit hour and most GAs take 9 credits which equates to \$5850 per semester (\$11,700 annually), while non-resident tuition is \$1545 per credit hour, typically \$13,905 per semester (\$27,810 per year on average). Graduate student assistants may also receive monetary stipends that can vary by the educational program in which they are enrolled. Beginning Fall 2019, the minimum stipend level is Step 8 (\$18,930 for 9-month appointees, \$22,140 for 11-month GAs. Depending on residency, graduate program, and stipend level, the value of tuition waivers and stipends is estimated to typically range between \$30,630 (9-month GAs at the minimum stipend level taking 9 resident-rate credits per semester) and \$49,950 annually (11-month GAs at the minimum stipend level taking 9 non-resident rate credits per semester), with a *potential* maximum value as high as \$80,964 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 Board of Regents' approved 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 the opportunity to submit testimony in opposition to this measure.

SB-1368-SD-1

Submitted on: 2/22/2019 1:29:06 PM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mericia Palma Elmore	Individual	Support	No

Comments:

SB-1368-SD-1

Submitted on: 2/24/2019 9:35:26 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalma Wong	Individual	Support	No

Comments:

Chair Dela Cruz
Vice Chair Keith-Agaran
Senate Committee on Ways & Means

Monday, February 25, 2019
10:25 AM

**TESTIMONY IN STRONG SUPPORT OF SB1368 SD1 RELATING TO COLLECTIVE
BARGAINING**

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, Members of the Senate Committee on Ways & Means,

My name is Jun Shin. I am a freshman at the University of Hawai‘i at Mānoa, and an executive committee member of the Young Progressives Demanding Action (YPDA). I am testifying as an **individual in strong support of SB1368 SD1 relating to collective bargaining.**

As a young person who has decided to expand my involvement in the legislative process and a Freshman Ethnic Studies major at the University of Hawai‘i at Mānoa, this has remained a very important issue to me since 2018 when I first learned about it. I have seen amazing energy from graduate students who have continued to step up, organize, have meetings, and tell the broader community why graduate student unionization is important.

They have honestly been inspirational. In a time of cynicism and apathy, graduate students who are working hard to unionize have broken this mold, by going the distance to seek to improve their conditions and unionize, through both outside and inside of our political process. I also have to add that Graduate student assistants are really passionate about the fields of study they are in, as exemplified by the fact that they are seeking higher education in these subjects, they are dedicated in the work they do. I know this personally due to several of my instructors during my three semesters at the university being graduate students. They have given me new perspectives, new insights on issues, history, literature, etc that I have taken with me in both life and the advocacy work that I do and have frankly been some of my favorite instructors. So I have a personal stake in seeing graduate students have the ability to collectively bargain. I want to see them keep showing us their passion, doing what they love and following their dreams and goals while having both the opportunity and the mechanisms necessary in order to improve their livelihoods and be better equipped to deal with the stagnation of wages and high cost of living.

Even beyond personal feelings, graduate students 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. Article 23, Section 4 of the Universal Declaration of Human Rights, a document that the United States took part in creating and ratifying lays this out very clearly, “Everyone has the right to form and to join trade unions for the protections of his interests”. In terms of “interest”, it is really more than getting paid. The workers should be able to have a say in their workplace, how it’s run and 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, Hawai'i succeeds. It is my personal hope that through this measure, not only will it help in improving the lives and working conditions of graduate students, but it's success will bring in a new generation of university students ready to become citizen advocates after seeing the hard work of their colleagues and instructors come to fruition. **I urge you to pass SB1368 SD1 out of your committee.**

Thank you for the opportunity to testify,

Jun Shin

1561 Kanunu St.

Cell: 808-255-6663

Email: junshinbusiness729@gmail.com

SB-1368-SD-1

Submitted on: 2/23/2019 11:41:09 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raymond Catania	Individual	Support	No

Comments:

Dear WAM Chair Donovan Delacruz, Vice Chair Keith Agaran and committee members,

I strongly support Bill1368 SD1 and the right of University of Hawaii graduate assistants to organize and be part of a union. Without their work the Professors can't teach and educate the students who are enrolled in the state university system. Like all state employees they need respect and the right to bargain collectively to better their situation.

mahalo,

Raymond Catania Puhi,Kauai

SB-1368-SD-1

Submitted on: 2/22/2019 8:59:03 PM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Canales	Individual	Support	No

Comments:

Strongly Support,

SB-1368-SD-1

Submitted on: 2/22/2019 4:57:00 PM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron	Individual	Support	No

Comments:

Aloha Chair Dela Cruz and members of the committee,

I am a UH alum and, although I did not attend graduate school, I have dozens of friends in just about every single department of every college and school within the University of Hawai'i system. These individuals are some of the hardest working people I have had the pleasure of knowing. They perform critical tasks to maintaining a functioning classroom, department, college and overall institution. They run labs, they grade papers, they perform administrative duties; in short, there can be absolutely no doubt that without the labor these individuals undertake, for pay that is well below the self-sufficiency level of \$17 an hour (2019) with limited benefits and, oftentimes, hostile work environments, the University of Hawai'i would not be able to function at the level it is able to now. With budget cuts and faculty reductions, the workload placed on these under-appreciated workers has only increased in recent years. It is unconscionable that the University would continue to exploit these workers by preventing them from exercising their rights as workers to form a union to represent their interests.

Unionization is a right for nearly all public workers in the state of Hawai'i, including faculty and other university staff. An archaic clause from 1970, almost 50 years old now, excludes some people from this right, including inmates, wards of the state, and "student help." I personally feel that even inmates, who are paying their debt to society, deserve to be protected in the labor they undertake while incarcerated. But graduates students--my hardworking friends--absolutely deserve this fundamental labor right.

As a recent decision by the National Labor Relations Board has made clear, graduate assistants have the right to collectively bargain and form a union. Additionally, state law on public sector collective bargaining makes clear the positive case for recognizing the right to collectively bargain for student laborers: "The legislature finds that joint decision-making is the modern way of administering government. Where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work; to provide a rational method for dealing with

disputes and work stoppages; and to maintain a favorable political and social environment."

The positive experiences of public and private universities in dozens of states across the country show that not only *should* this be done, from a rights perspective, but it *can* be done from a feasibility perspective. It is a common misconception that, by bargaining for improved working conditions, unions make it too expensive to employ workers and necessarily lead to fewer jobs. In reality, higher-ed unions have advocated for increased higher ed and science funding while working for improved working conditions for researchers and teachers. The post-doc union at the University of California has negotiated a 25 percent average wage increase for post-docs since 2008 when the union was formed. Over the same time, the number of post-docs employed by the University of California has increased by 10 percent.

Furthermore, a graduate assistant union could also bargain for many badly needed non-economic improvements to the graduate experience, such as greater protections against sexual harassment and other forms of discrimination, which will cost UH nothing and therefore not cause any economic incentive to reduce jobs.

With a union, student laborers will have more power to protect jobs through collective action and the protections of a legally binding contract. Most collective bargaining agreements prohibit the employer from terminating positions due to arbitrary or discriminatory reasons, or to take action that is inconsistent with job offers that were accepted by the employee.

An extensive study by Cornell's ILR School found that evidence suggests that there is no difference in student-advisor relationships between union and non-union Universities, and that graduate employees at unionized universities report "higher levels of personal and professional support."

Unions are common in higher education institutions, and are currently organized at more than 40 top-tier public research Universities. The major unions in Hawai'i, including the University of Hawai'i Professional Assembly, have endorsed this bill. The state AFL-CIO unanimously approved a resolution in support of this bill at their 2017 convention. Many public universities similar to UH, such as the University of Iowa, the University of Illinois Urbana-Champaign, and the University of Kansas, have graduate employee unions, and no harm has been done to their graduates' career prospects, or to the university as a whole.

As an alum, I am extremely disappointed in my alma matar for opposing the efforts of its hardworking grad student workers to protect themselves in the best, most democratic way possible--a method that every other public employee has access too: the power of a union. It is shameful that, in a state with as proud a labor tradition as Hawai'i, our public university is opposing this effort. I call on my alma matar to drop this foolish opposition to grad student unionization and join the right side of history. I call on you,

the legislators, to see the reason and benefit to passing this bill, and to truly hear the message that these hardworking laborers are bringing to you. Please pass SB1368.

Mahalo,

Will Caron
Undergraduate Class of 2012

SB-1368-SD-1

Submitted on: 2/24/2019 10:09:21 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hayden	Individual	Support	No

Comments:

Greetings:

I am testifying in strong support of SB 1368. I am speaking as a private citizen who is currently a member of a labor organization covered under chapter 89; and as an individual who is proud to have attended the University of Hawaii (and even prouder to say that my daughter is currently enrolled).

I understand why some have raised legitimate concerns regarding cost items that may come out of contract negotiations; but I respectfully submit that these should be seen as an investment that is both appropriate and fiscally responsible. Improving the working conditions and raising the status of the teachers and researchers allows the university to remain competitive in recruiting and retaining these individuals. It also assures that they will have a greater degree of stability as they pursue their education and their careers.

It is no secret that all too often graduate students find themselves in a precarious work environment. They may not be in a position to voice their concerns to the professors or administrators who not only pay their wages, but also review their research and ultimately decide how many letters they can add to the end of their name. Some joke about the perceived master-servant relationship between a professor and his graduate students; but there is a grain of truth to it, and often people joke about things only because they have no other recourse.

There is also an argument to be made for bringing the graduate students together into a larger community of interest as a means to facilitate collaboration and cooperation between the various departments and disciplines. All too often graduate students serve as the "foot soldiers" between academic rivals, and this puts them in a position where they simply can't share ideas candidly and openly outside of their immediate peer group. This is the last thing you want at an institution of higher learning.

The UH system is somewhat unique among land grant colleges because it basically holds a monopoly on an affordable college education in Hawai'i. Locals deserve and expect a quality education at a world-class research organization. The professors and support staff who provide this education are valued members of this community, and they have been granted a means to engage in collective bargaining for this very reason.

The graduate students have also earned the right to similar protections and legal remedies. Acknowledging these rights will benefit the university, the students, and the state.

LATE

TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

RE: SB 1368, SD1 - RELATING TO COLLECTIVE BARGAINING

MONDAY, FEBRUARY 25, 2019

MITZIE HIGA, LEGISLATIVE CHAIR
DEMOCRATIC PARTY OF HAWAII LABOR CAUCUS

Chair Dela Cruz, and Members of the Committee:

The Democratic Party of Hawaii Labor Caucus **supports SB 1368, SD1**, relating to collective bargaining.

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 workers’ 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 Democratic Party of Hawaii Labor Caucus asks your committee to **support** this bill.

SB1368 Multiple Testifiers

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Testimony
Message

Senate Committee on Ways and Means
Chair: Senator Donovan M. Dela Cruz
Vice Chair: Senator Gilbert S. C. Keith-Agaran

Conference Room 211

Monday, February 25, 2019 at 10:25 am

Thank you for the opportunity to provide testimony. I write in strong support of SB1368. SB1368, if passed, will create a new bargaining unit for graduate assistants in Hawaii. Every undergraduate student is taught and mentored by a graduate teaching assistant; graduate research assistants advance scientific frontiers and make new discoveries; and graduate administrative assistants run key facilities and labs on campus. The university 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 vulnerable to capricious and arbitrary decisions and attacks from management, including sexual harassment, and discrimination, without a proper mechanism for recourse. Additionally, 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. To remedy these issues and more, what we are asking for are our basic human rights as workers - to be able to form a legally-recognized union.

It is important to emphasize that this is fundamentally about more than just compensation or grievances. This bill asks for no extra appropriations. It simply creates a pathway for graduate assistants in Hawaii to exercise their basic right to join a union - and to have a seat the table. The bill would not even automatically create a union - instead, it would give graduate assistants the opportunity to decide if a union is the right choice for the purpose of representation, which is a right that public and private sector workers possess.

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, including many of our peer and benchmark institutions. 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 has led the way in breaking ground for labor unions. For the cutting-edge research and instruction graduate assistants do, the ability to collectively bargain and have a seat at the table is essential and long overdue. I urge you to pass SB1368.

Testimony from Academic Labor United

Attention: Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Re: Strong Support for SB1368 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.

SB1368 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.

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. 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. SB1368 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 SB1368 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.

Graduate assistants do not have guaranteed sick days, paid medical leave, and parental leave. (University of Hawaii, 2016) According to a recent campus climate survey 1 out of 6 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) Sexual harassment at these levels is not the result of a few bad apples, but rather the result of extreme power imbalances between faculty, administrators, and graduate assistants. Faculty and administrators not only have complete control over a graduate assistants' current employment, but also control their academic work, and whether or not a graduate receives a positive recommendation from their supervisor plays a significant role in their future employment prospects as well.

Graduate assistants start at \$18,300 for a 9 month contract at UH Manoa and \$14,382 for a 9 month contract at UH Hilo. (University of Hawaii, 2016)

Graduate assistants lack recourse when faced with administrative decisions that jeopardize their wellbeing and safety in the workplace. They have no formal protection guaranteeing their right to free inquiry and expression. These are issues that unions have had success resolving.

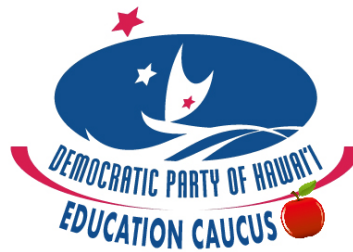
Graduate assistants are an integral part of the UH system and the local economy. While attending UH, we constitute a committed learning community, conduct important research, and perform a substantial proportion of teaching and administrative duties. Unfortunately, we are poorly compensated and are vulnerable 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 SB1368 be passed.

Respectfully submitted,

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

LATE



SENATE BILL 1368, SD 1, RELATING TO COLLECTIVE BARGAINING

FEBRUARY 25, 2019 · SENATE WAYS AND MEANS
COMMITTEE · CHAIR SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports SB 1368, SD 1, relating to collective bargaining, which establishes a collective bargaining unit for graduate student assistants employed by the University of Hawai'i.

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 DPH Education Caucus 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 2019, that amount carries over \$6,000 less purchasing power than it did fourteen years ago *before* adjusting for Hawai‘i’s high cost of living. Even for graduate 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.

LATE

SB-1368-SD-1

Submitted on: 2/24/2019 11:38:32 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diliaur Tellei	Individual	Support	No

Comments:

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the committee:

My name is Diliaur Tellei and I'm writing to testify in **strong support of SB1868**. I'm a grad student at the University of Hawaii and I work as a graduate assistant. This bill is the first step toward graduate students being able to protect ourselves in our place of work and learning and to ensure an equitable environment which allows us to produce our best work. There are those who say that this step is useless and that it won't change anything, but they are wrong. I, my friends, and my colleagues know that the current system is not working in the favor of graduate assistants. And unsurprisingly, those opposed are ever the ones who are invested in and benefit from us remaining powerless and silent. SB1368 would allow us, for the first time, a legally-recognized voice in steering our future as workers -- not just as people who produce so much value for the university, but as *people*, as human beings who happen to be workers, period.

I thank you for your time and your attention, and wholeheartedly urge you to pass SB1368.

Sincerely,

Diliaur Tellei



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

LATE

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

February 25, 2019

S.B. 1368, S.D. 1 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO 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. 1368, S.D. 1.

We represent 42,000 public sector employees, retirees, and associate members across the state, counties, judiciary, Department of Education, and the University of Hawaii system. 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 collective bargaining process. The language proposed in this measure 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 support of S.B. 1368, S.D. 1.

Respectfully submitted,


for Randy Perreira
Executive Director

LATE

SB-1368-SD-1

Submitted on: 2/25/2019 5:43:29 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Kisu	Individual	Support	No

Comments:

Aloha mai kakou,

I am writing to submit my strong SUPPORT for SB1368. As a graduate student who supports a family and struggles to make ends meet, it is very important to have the ability to collectively bargain. Being a graduate student is full of work and we are required to oftentimes do unpaid work, work more than 40+ hours per week, and yet not receive livable wages, health care, retirement benefits, life insurance, etc. etc. It is against the law for us not to get these benefits if we are working this much. I worry that students will end up suing UH or the state if this bill does not get passed. The state should consider the violations against graduate student workers and the ramifications if this bill does not pass.

Mahalo for your SUPPORT of this measure and the support of the many graduate students that do so much for the university and the state of Hawaii.

Alexandra Kisu

LATE

SB-1368-SD-1

Submitted on: 2/25/2019 9:39:09 AM

Testimony for WAM on 2/25/2019 10:25:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments: