

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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

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

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY
ON
HOUSE BILL NO. 2720, H.D. 1

February 14, 2024
2:00 p.m.
Room 309 and Videoconference

RELATING TO COLLECTIVE BARGAINING

The Department of Budget and Finance offers comments on this bill.

This measure allows graduate students employed by the University of Hawai'i (UH) to collectively bargain by amending Chapter 89-6, HRS, to remove the exemption from collective bargaining (CB) for graduate student assistants employed by UH, and to authorize a new Bargaining Unit (BU) 16 effective upon the Hawai'i labor relations board's determination, after petition by the graduate assistants, that they are ready to be placed in a bargaining unit.

The long-term cost implications of allowing graduate student assistants to collectively bargain is a concern for the State budget. Negotiation of pay increases for graduate students need 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 CB negotiations that might not fit the flexible schedules that graduate students require to complete their academic program.

The Legislature has created two new BUs in recent years and is considering creating others, in addition to this one, this session. There are concerns with the increasing administrative costs and complexities, negotiating, arbitrating, and managing of contracts for every increasing numbers of BUs.

Thank you for your consideration of our comments.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Higher Education and Technology
Wednesday, February 14, 2024, at 2:00 p.m.

By

Debora Halbert, Vice President for Academic Strategy
University of Hawai'i System

HB 2720 HD1 – RELATING TO COLLECTIVE BARGAINING

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

Thank you for the opportunity to submit comments on HB 2720 HD1, which establishes a collective bargaining unit for graduate assistants employed by the University of Hawai'i and community college system.

The University of Hawai'i (UH) has had ongoing discussions with the Graduate Student Organization (the UH Mānoa leadership entity for graduate students) elected representatives regarding this issue, and UH is deliberately not taking a position on this measure.

UH recognizes that the development and creation of a bargaining unit falls under the purview of the Legislature, and Hawai'i Revised Statutes §89-6 will need to be amended to explicitly identify which bargaining unit graduate assistants would be situated – whether an existing unit or a newly created one. HB 2720 contemplates a new unit specifically for graduate assistants. As one of the governmental employers of the State of Hawai'i, and the only government employer to have graduate assistants, UH believes this bill will help the graduate assistants identify their statutorily authorized unit, and it would help the State identify who is the legal representative of graduate assistants should they eventually establish a union.

Thank you for the opportunity to submit comments on this measure.



UNIVERSITY OF HAWAII STUDENT CAUCUS

Aloha Chair, Vice-Chair, and other members of the Board,

My name is Ronald Sturges, Vice Chair of the University of Hawai'i Student Caucus (UHSC), and I am a member of the UHSC Legislative Action Committee.

The UHSC stands in strong support of HB 2720, and requests for revisions to remove the exemption status of Bargaining Unit 16 for Graduate Student Assistants.

The UHSC requests further amendment to uphold the constitutional right of graduate assistants to collectively bargaining, in order to strengthen the Bill and support our Graduate Student Assistants.

The UHSC per its constitution & bylaws have a vested interest in the effective representation and advocacy of students within the University of Hawai'i (UH) system, which includes Graduate Students and their respective positions within the UH system. The UHSC reflects the views of all 11 student governing bodies representing the 10 campuses, subsequently representing the over 48,000 students within the UH system.

Graduate Assistants (GA) have a direct impact on over 14,000 undergraduate students in the UH system who depend on the GA's to instruct or provide assistance in creating lesson plans. The quality of work and life of a GA is directly tied to the quality of education received by the undergraduate students and by extension the quality of education provided by the University of Hawaii System. The people of Hawaii are all invested in the success of the University of Hawaii System.

The HLRB ruled as of Jan 4th, 2024 that GA's are PUBLIC EMPLOYEES, who have a right to collectively bargain. Without the ability to Collectively Bargain the GA's are at risk of exploitation. GA's are STUDENTS and pursue an education whilst providing a service to the University of Hawaii System, and should be properly represented so that they do not have to choose between struggling to keep the lights on and getting an education.

Quality GA's are a gateway to supplement the staffing and mitigating the impact of hiring shortages plaguing the University of Hawaii System. The establishment of a new bargaining unit would allow GA's to further assist the critically understaffed portions of the University of Hawaii System. This issue is of particular importance to the Student Caucus as understaffed services cause a decrease in the quality of life for the students of the University of Hawaii System.

Thank you for reading our testimony in support of HB 2720 with requested amendments.

Ronald Sturges, UHSC Legislative Action Committee,
Vice Chair, University of Hawaii Student Caucus



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII
HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY

FEBRUARY 14, 2024

HB 2720, HD1, RELATING TO COLLECTIVE BARGAINING

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** HB 2720, HD1, relating to collective bargaining. Pursuant to the “Economic Justice and Labor” section of the official Democratic Party of Hawai'i platform, the party believes “that all workers have the right to form a union to collectively bargain with employers on their behalf. We support the efforts of unions to protect and advocate for workers. We support anti-discrimination protections in the workplace. We support policies that reduce racial, gender, and other disparities in pay.”

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 above what the free market demands.

They couldn't be more wrong. **Collective bargaining is a human 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 assistants are employees and, thus, guaranteed the right to collectively bargain with university management, a fact that both the Hawai'i Supreme Court and Hawai'i Labor Relations Board have upheld within the last year. 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.”

Appallingly, UH graduate assistants currently earn approximately \$20,000 per year on average, a number that has not significantly increased in almost two decades. At the sunrise of 2019, that amount carried over \$6,000 less purchasing power than it did fourteen years ago *before* adjusting for Hawai'i's high cost of living. **It is not even half of what MIT's living wage calculator calculates as a living wage for a graduate assistant working in the islands.**

Mahalo nui loa,

Kris Coffield
Co-Chair, Legislative Committee
(808) 679-7454
kriscoffield@gmail.com

Abby Simmons
Co-Chair, Legislative Committee
(808) 352-6818
abbyalana808@gmail.com



HOUSE BILL 2720, HD1, RELATING TO COLLECTIVE BARGAINING

FEBRUARY 14, 2024 · HET HEARING

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** HB 2720, HD1, relating to collective bargaining, which creates a collective bargaining unit for graduate assistants employed by the University of Hawai'i and its community college system; exempts graduate assistants from collective bargaining until they petition the Hawai'i Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit.

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 above what the free market demands.

They couldn't be more wrong. **Collective bargaining is a human 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 assistants are employees and, thus, guaranteed the right to collectively bargain with university management, a fact that both the Hawai'i Supreme Court and Hawai'i Labor Relations Board have upheld within the last year. 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.”

Appallingly, UH graduate assistants currently earn approximately \$20,000 per year on average, a number that has not significantly increased in almost two decades. At the sunrise of 2019, that amount carried over \$6,000 less purchasing power than it did fourteen years ago *before* adjusting for Hawai'i's high cost of living. **It is not even half of what MIT's living wage calculator calculates as a living wage for a graduate assistant working in the islands.** 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.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAI'I LABOR CAUCUS

HOUSE COMMITTEE ON HIGHER EDUCATION
AND TECHNOLOGY · FEBRUARY 14, 2024

HB 2720, HD1, RELATING TO COLLECTIVE BARGAINING

POSITION: SUPPORT

The Democratic Party of Hawai'i Labor Caucus **supports** HB 2720, HD1, which creates a collective bargaining unit for graduate assistants employed by the University of Hawai'i and its community college system; exempts graduate assistants from collective bargaining until they petition the Hawai'i Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit.

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 above what the free market demands.

They couldn't be more wrong. **Collective bargaining is a human 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 assistants are employees and, thus, guaranteed the right to collectively bargain with university management, a fact that both the Hawai'i Supreme Court and Hawai'i Labor Relations Board have upheld within the last year. 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.”

Appallingly, UH graduate assistants currently earn approximately \$20,000 per year on average, a number that has not significantly increased in almost two decades. At the sunrise of 2019, that amount carried over \$6,000 less purchasing power than it did fourteen years ago *before* adjusting for Hawai'i's high cost of living. **It is not even half of what MIT's living wage calculator calculates as a living wage for a graduate assistant working in the islands.**

HB-2720-HD-1

Submitted on: 2/12/2024 3:44:21 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawai‘i	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 2720 HD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)
Chair and SCC Representative
Stonewall Caucus for the DPH

HB-2720-HD-1

Submitted on: 2/12/2024 4:14:54 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pride at Work - Hawaii	Pride at Work – Hawai‘i	Support	Written Testimony Only

Comments:

Aloha Representatives,

Pride at Work – Hawai‘i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. P@W-HI fully supports HB 2720 HD 1.

We ask that you support this needed piece of legislation.

Mahalo,

Pride at Work – Hawai‘i



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Rep. Amy A. Perruso, Chair
Rep. Jeanne Kapela, Vice Chair

Wednesday, February 14, 2024, 2:00 PM
Conference Room 309 & Videoconference

Re: Testimony on HB2720, HD1 – RELATING TO COLLECTIVE BARGAINING

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW supports HB2720, HD1, which establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college system. This bill also exempts graduate assistants from collective bargaining until they petition the Hawaii Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit.

UPW supports the right of all employees to collectively bargain their wages, hours, and other terms and conditions of employment, including graduate assistants employed by the University of Hawaii System and its affiliated campuses. The various work-related issues that graduate assistants continue to encounter could fairly be addressed by the collective bargaining process. By eliminating the current exclusion of this group from collective bargaining, as proposed by the language of this bill, and creating a unique bargaining unit, graduate assistants will be provided the ability to resolve differences in contract negotiations with the employer. While we support this bill, UPW will defer to the graduate assistants to determine if Part III of the HD1 is appropriate or necessary.

Mahalo for the opportunity to testify on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner", is written over a light blue horizontal line.

Kalani Werner
State Director

HEADQUARTERS

1426 North School Street
Honolulu, Hawaii 96817-1914
Phone 808.847.2631

HAWAII

362 East Lanikaula Street
Hilo, Hawaii 96720-4336
Phone 808.961.3424

KAUAI

2970 Kele Street, Suite 213
Lihue, Hawaii 96766-1803
Phone 808.245.2412

MAUI

841 Kolu Street
Wailuku, Hawaii 96793-1436
Phone 808.244.0815

1.866.454.4166

Toll Free - Molokai/Lanai only

HB-2720-HD-1

Submitted on: 2/13/2024 9:37:48 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Yen Tzu LIEW	Academic Labour Union	Support	Written Testimony Only

Comments:

I'm Elizabeth Liew, a GA from Asian Studies Department and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

MARCUS R. OSHIRO
CHAIRPERSON



SESNITA A.D. MOEPONO
BOARD MEMBER

STACY MONIZ
BOARD MEMBER

830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813

HAWAII LABOR RELATIONS BOARD
KA PAPA LIMAHANA O HAWAII

WWW.LABOR.HAWAII.GOV/HLRB
DLIR.LABORBOARD@HAWAII.GOV

WRITTEN ONLY

Testimony Presented Before the
House Committee on Higher Education & Technology
The Honorable Amy A. Perruso, Chair
The Honorable Jeanne Kapela, Vice Chair

Wednesday, February 14, 2024 at 2:00 p.m.
Via Videoconference
Conference Room 309, State Capitol

by
Marcus R. Oshiro
Chairperson, Hawaii Labor Relations Board

H.B. No. 2720, H.D. 1, Relating to Collective Bargaining

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

The Hawaii Labor Relations Board (HLRB or Board) takes no position on H.B. No. 2720, H.D. 1, and defers to the Legislature to determine whether a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college system should be established, and whether graduate assistants should be exempted [sic] from collective bargaining until they petition the HLRB and the Board determines the graduate assistants are ready to be placed in a bargaining unit.

However, the HLRB would like to clarify that the Board did not order that a new bargaining unit for graduate assistants at the University of Hawaii should be established but instead ruled that graduate assistants are public employees as defined under section 89-2, Hawaii Revised Statutes (HRS), which provides:

“Employee” or “public employee” means any person employed by a public employer, except elected and appointed officials and other employees who are excluded from coverage in section [89-6(f)].

Subsection 89-6(f), HRS, currently provides 18 categories of individuals who are not included in any appropriate bargaining unit and are not entitled to coverage under Chapter 89, HRS.

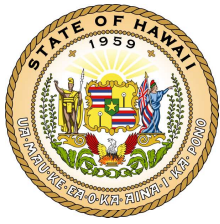
The Board further declared that graduate assistants are **not** included in any of the following bargaining units identified in subsection 89-6(a), HRS: (1) nonsupervisory employees in blue collar positions; (2) supervisory employees in blue collar positions; (4) supervisory employees in white collar positions; (5) teachers and other personnel of the department of education; (6) educational officers and other personnel of the department of education; (9) registered professional nurses; (10) institutional health and correctional workers; (11) firefighters; (12) police officers; (14) state law enforcement officers; or (15) state and county ocean safety and water safety officers.

The Board was not asked to rule on whether graduate assistants should be included in bargaining units: (3) nonsupervisory employees in white collar positions; (7) faculty of the University of Hawaii and the community college system; (8) personnel of the University of Hawaii and the community college system, other than faculty; or (13) professional and scientific employees, who cannot be included in any of the other bargaining units, as identified in subsection 89-6(a), HRS.

Board Order No. 4019, issued on January 4, 2024, in Case No. 23-DR-00-120, Academic Labor United v. University of Hawai‘i; Board of Regents, University of Hawai‘i; David Lassner, President, University of Hawai‘i; Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; American Federation of State, County and Municipal Employees, AFL-CIO; and University of Hawaii Professional Assembly, is attached.¹

Thank you for the opportunity to provide testimony on H.B. No. 2720, H.D. 1.

¹An Errata to Order No. 4019, also issued on January 4, 2024, is not attached. The Errata corrected an inadvertent typographical error in the case ID on page 10. The correct case number is 23-DR-00-120.



EFiled: Jan 04 2024 11:03AM HAST
Transaction ID 71742983
Case No. 23-DR-00-120

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

ACADEMIC LABOR UNITED,

Petitioner,

and

UNIVERSITY OF HAWAII; BOARD OF
REGENTS, University of Hawai'i; DAVID
LASSNER, President, University of Hawai'i;
HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO; AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO; and UNIVERSITY
OF HAWAII PROFESSIONAL
ASSEMBLY,

Intervenors.

CASE NO. 23-DR-00-120

ORDER NO. 4019

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECLARATORY ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECLARATORY ORDER

1. Introduction and Statement of the Case

Petitioner ACADEMIC LABOR UNITED (Petitioner or ALU) asks the Hawai'i Labor Relations Board (Board) to issue three declaratory rulings in its Petition for Declaratory Ruling (Petition). The Board does not have jurisdiction to weigh in on the constitutional issues ALU raises, but in this Decision the Board issues its Declaratory Rulings on the remaining issues that arise under Hawai'i Revised Statutes (HRS) Chapter 89.

1.1. Statement of the Case

After ALU filed its Petition with the Board, five parties submitted Petitions for Intervention. No one opposed the Petitions for Intervention.

At the status conference on September 26, 2023, the Board granted the Petitions for Intervention from Intervenors UNIVERSITY OF HAWAI'I (UH); BOARD OF REGENTS, University of Hawai'i (BOR); and DAVID LASSNER, President, University of Hawai'i (Lassner, and collectively with UH and BOR, UH Intervenors); Intervenor HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA); Intervenor AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO (AFSCME); and Intervenor UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA, and collectively with the UH Intervenors, HGEA, and AFSCME, Intervenors).

The Board also granted the Petition for Intervention from INTERNATIONAL UNION, UAW (UAW); however, because UAW's interest focuses on providing information about national efforts in collective bargaining for graduate assistants, rather than specific questions about the HRS Chapter 89 issues, the Board limited UAW's participation to providing an amicus brief and did not add UAW as a named party to the proceedings.

The Board ordered that the parties simultaneously brief the HRS Chapter 89 issues raised by ALU, with no reply briefs accepted. After receipt of UAW's amicus brief and ALU and the Intervenors' briefs, the record was closed.

1.2. Issues

The issues in the Petition that the Board has jurisdiction over, and which the parties were asked to brief, are:

- 1) Whether ALU's graduate assistant members are "public employees" within the meaning of HRS Chapter 89; and
- 2) Whether ALU's graduate assistant members are **not**:
 - 'nonsupervisory employees in blue collar positions,'
 - 'supervisory employees in blue collar positions,'
 - 'supervisory employees in white collar positions,'
 - 'teachers and other personnel of the department of education,'
 - 'educational officers and other personnel of the department of education,'
 - 'registered professional nurses,'
 - 'institutional, health and correctional workers,'
 - 'firefighters,'
 - 'police officers,'

- ‘state law enforcement officers,’ or
- ‘state and county ocean safety and water safety officers

within the meaning of HRS § 89-6.

2. Background and Findings of Fact

2.1. Parties

ALU is an unincorporated organization that represents graduate assistants at the University of Hawai‘i (UH).

The UH Intervenors are members of the employer¹ group for bargaining units 7 and 8² (BU 7 and BU 8 respectively).

UHPA and HGEA are exclusive representatives³ for BU 7 and BU 8, respectively.

AFSCME is an international labor organization that has four Hawai‘i affiliates.⁴

2.2. Background

After the State of Hawai‘i amended its Constitution in 1968, public sector employees gained the right to collectively bargain as prescribed by law. To enact this change, in 1970, the Hawai‘i State Legislature (Legislature) created HRS Chapter 89, Collective Bargaining in Public Employment, which set forth the laws that govern how public employees may organize, collectively bargain, and strike.

Even though the Constitution and the relevant statutes give public employees a broad right to collectively bargain, those rights are not without exception. Certain groups of public sector employees have been excluded from collectively bargaining under HRS Chapter 89 since 1970.

However, for those public employees allowed to collectively bargain under HRS Chapter 89, the Legislature created a list of appropriate bargaining units. All employees who are allowed to collectively bargain under HRS Chapter 89 must be placed in one of those statutorily defined bargaining units. Because the bargaining units are statutorily defined, the Legislature is the only entity that can create new bargaining units.

In 1972, HLRB’s predecessor, the Hawai‘i Public Employment Relations Board (HPERB) dealt with cases involving the initial makeup of bargaining units, including BU 7 and BU 8.

The issue of graduate assistants' placement in BU 7 and BU 8 was raised and considered by HPERB, and various parties weighed in on the issues. In determining the proper composition of the bargaining units, HPERB did not decide whether graduate assistants were public employees under HRS Chapter 89 or whether they would be entitled to collective bargaining rights under another statutory scheme.

The Hawaii Federation of College Teachers argued that graduate assistants are teachers and are, therefore, part of the faculty; however, BOR and UHPA both argued that graduate assistants are not faculty members and thus should not be a part of BU 7. After the hearing, the HPERB Hearing Officer determined that graduate assistants should be excluded from BU 7 because they are classified on a different compensation schedule and because the nature of their appointments and work differed from that of the faculty. Based on those findings, HPERB found that graduate assistants were excluded from BU 7. *See Haw. Federation of College Teachers, et al.*, Board Case No. R-07-12, Decision No. 21, July 17, 1972 (<https://labor.hawaii.gov/hlrh/files/2018/12/Decision-No-21.pdf>) (Decision No. 21).

When considering the composition of BU 8, HPERB found that, once a graduate assistant completes their academic work, their employment is terminated and they have no possibility of continuing their employment with their department as a graduate assistant. HPERB further noted that graduate students were excluded from membership in the Hawai'i employees' retirement system under HRS Chapter 88, despite its broad definition of employees. Graduate assistants did not have social security deducted from their compensation and their salary could be exempt from federal income tax.

Additionally, HPERB recognized that the Constitution at that time required that BOR have the "power in accordance with law to formulate policy, and to exercise control over the university." The Legislature determined the initial bargaining units through considering occupational categories based on existing compensation plans. The salary schedule set up by BOR for graduate assistants differed from the other non-faculty personnel in the University of Hawai'i system. Further, UH treated graduate assistants differently than other non-faculty personnel in terms of access to benefits and the lack of social security and income tax withholdings. Additionally, any employment relationship established between a graduate assistant and the University of Hawai'i system was dependent on the student's status as a student, which made the graduate assistants primarily students, not employees.

Based on this information, HPERB found that graduate assistants were excluded from BU 8. *See Haw. Federation of College Teachers, et al.*, Board Case No. R-08-13, Decision No.25, December 1, 1972 (<https://labor.hawaii.gov/hlrh/files/2018/12/Decision-No-25.pdf>) (Decision No. 25).

2.3. UH's Present Treatment of Graduate Assistants

The treatment of Petitioner's graduate assistants has evolved over the years. So too must the law and interpretation of HRS Chapter 89 adapt. The law, while codified in statute and supported by case law, is also meant to evolve in interpretation with changes in facts and circumstances to accomplish the goals of the statutory scheme.

Unlike the graduate assistants that HPERB considered in 1972, the current graduate assistants represented by ALU have a much wider range of duties and responsibilities. Graduate assistants today typically are given a nine or eleven-month appointment, and their duties may range from assisting faculty members to serving as the instructors of courses.

Today, graduate assistants have a multi-step salary schedule set by BOR. This salary schedule is based on considering graduate assistants 0.50 full-time equivalent (FTE) positions. While graduate assistants who are full-time students are exempt from the Federal Insurance Contributions Act (FICA) tax, graduate assistant salaries are subject to both federal and state income tax withholding.

Graduate assistants also are eligible for benefits including tuition exemptions, health plan benefits, and other types of leave.

UH has also set out a grievance procedure that graduate assistants may use if issues arise.

3. Analysis and Conclusions of Law

3.1. Declaratory Ruling Standards; Jurisdiction

Declaratory rulings have a unique and independent role in the statutory scheme; namely, declaratory rulings are determinations of whether and in what way a statute, agency rule, or order, applies to the factual situation raised by an interested person. *See Citizens Against Reckless Dev. v. Zoning Bd. of Appeals*, 114 Hawai'i 184, 197, 159 P.3d 143, 156 (2007).

Hawai'i Administrative Rules (HAR) § 12-43-50 states that "[a]ny employee, public employee, public employer, exclusive representative, or interested person who has standing under this chapter may petition the [B]oard for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the [B]oard subject to its jurisdiction." In turn, HRS § 89-5 establishes the Board's authority over Chapter 89, HRS, including the authority to "[r]esolve controversies under this chapter[.]" HRS § 89-5(i)(3). However, the Board, as an administrative agency, can only wield powers expressly or implicitly granted to it by statute. *TIG Ins. Co. v. Kauhane*, 101 Hawai'i 311, 327, 67 P.3d 810, 826 (App. 2003).

The Board finds that ALU does have standing to pursue a declaratory ruling as the Petitioner is an interested person. *See, Asato v. Procurement Policy Board*, 132 Hawai'i 333, 344,

322 P.3d 228, 239 (2014). However, the Board does not have jurisdiction to decide any constitutional issues, and, therefore, declines jurisdiction over all such issues. Haw. Gov't Emp. Ass'n, AFSCME Local 152 v. Lingle, 124 Hawai'i 197, 207, 239 P.3d 1, 11 (2010). Constitutional analyses are unnecessary for the Board to decide statutory issues presented under HRS Chapter 89. *Id.* at 207, 239 P.3d at 11.

In construing and applying HRS Chapter 89, “our foremost obligation is to ascertain and give effect to the intention of the legislature, which is to be obtained primarily from the language contained in the statute itself. And we must read statutory language in the context of the entire statute and construe it in a manner consistent with its purpose.” Ka Pa‘akai O Ka‘Aina v. Land Use Commission, 94 Hawai'i 31, 41, 7 P.3d 1068, 1078 (2000). The Board notes that while it must follow this rule of statutory construction, it also acknowledges that the law does evolve over time with changing facts and circumstances. To this end, the Board believes that the law, including HRS Chapter 89, was never intended to be stagnant.

HPERB's Decision No. 21 and Decision No. 25 are not final determinations of whether graduate assistants are employees under HRS Chapter 89. Acad. Lab. United v. Bd. of Regents of the Univ. of Haw., 153 Hawai'i 202, 209, 529 P.3d 680, 687 (2023). Rather, they are determinations that graduate assistants did not belong in BU 7 or BU 8. *Id.*

The Board is not bound by the determinations in Decision No. 21 and Decision No. 25 that graduate assistants do not belong in BU 7 or BU 8 because the Board can and has amended the composition of bargaining units. *See, e.g., Bd. of Regents, Univ. of Haw.*, Board Case No. RA-07-186, Decision No. 322 (January 15, 1992) (<https://labor.hawaii.gov/hlr/files/2018/12/Decision-No-322.pdf>); Bd. of Regents, Univ. of Haw. v. Haw. Gov't Emp. Ass'n, Board Case No. RA-08-188, Decision No. 328 (October 29, 1992) (<https://labor.hawaii.gov/hlr/files/2018/12/Decision-No-328.pdf>). Accordingly, Decision No. 21 and Decision No. 25 are not relevant to this proceeding.

3.2. HRS § 89-2 Definition of “Public Employee”

The first question that the Board considers is whether ALU's graduate assistant members are “public employees” within the meaning of HRS Chapter 89. Based on the evidence, the Board finds the graduate assistants represented by ALU are public employees under HRS §§ 89-2 and 89-6 and, therefore, have the right to organize for collective bargaining.

HRS § 89-2 sets out that “‘Employee’ or ‘public employee’ means any person employed by a public employer, except elected and appointed officials and other employees who are excluded from coverage in section [89-6(f)].” Therefore, the relevant issue to determine whether graduate assistants are employees under Chapter 89 requires the Board to look at the exclusions under HRS § 89-6(f).

HRS § 89-6(f) provides:

- (f) The following individuals shall not be included in any appropriate bargaining unit or be entitled to coverage under this chapter:
- (1) Elected or appointed official;
 - (2) Member of any board or commission; provided that nothing in this paragraph shall prohibit a member of a collective bargaining unit from serving on a governing board of a charter school, on the state public charter school commission, or as a charter school authorizer established under chapter 302D;
 - (3) Top-level managerial and administrative personnel, including the department head, deputy or assistant to a department head, administrative officer, director, or chief of a state or county agency or major division, and legal counsel;
 - (4) Secretary to top-level managerial and administrative personnel under paragraph (3);
 - (5) Individual concerned with confidential matters affecting employee-employer relations;
 - (6) Part-time employee working less than twenty hours per week, except part-time employees included in unit (5);
 - (7) Temporary employee of three months' duration or less;
 - (8) Employee of the executive office of the governor or a household employee at Washington Place;
 - (9) Employee of the executive office of the lieutenant governor;
 - (10) Employee of the executive office of the mayor;
 - (11) Staff of the legislative branch of the State;
 - (12) Staff of the legislative branches of the counties, except employees of the clerks' offices of the counties;
 - (13) Any commissioned and enlisted personnel of the Hawaii national guard;
 - (14) Inmate, kokua, patient, ward, or student of a state institution;
 - (15) Student help;
 - (16) Staff of the Hawaii labor relations board;

- (17) Employees of the Hawaii national guard youth challenge academy; or
- (18) Employees of the office of elections.

The Board finds that none of the exceptions in HRS § 89-6(f) are applicable to graduate assistants. Therefore, graduate assistants employed by UH are employees under HRS Chapter 89.

Most of the exceptions under HRS § 89-6(f) clearly do not apply to ALU's graduate assistant members. The UH Intervenors argued that certain exceptions do apply to the graduate assistant members, but the Board must reject those arguments.

HRS § 89-6(f)(14) and (15) prevent both students of state institutions and student help from qualifying as employees under HRS Chapter 89.

The phrase "student help" is not defined in HRS § 89-6(f); accordingly, when there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression used in a statute, an ambiguity exists. State v. Choy Foo, 142 Hawai'i 65, 72, 414 P.3d 117, 124 (2018). When there is ambiguity, the meaning of ambiguous words may be sought by examining the context or resorting to extrinsic aids to determine legislative intent. Citizens Against Reckless Dev. v. Zoning Board of Appeals, 114 Hawai'i 184, 194, 159 P.3d 143, 153 (2007).

The relevant language of HRS § 89-6(f) could have been written by the Legislature to specifically exclude graduate assistants from being eligible to engage in collective bargaining. It could have been accomplished by listing graduate assistants or by including such individuals in definitions of student help or student of a state institution. The Legislature chose not to do so. The history of the statute does not indicate a clear intent of the Legislature to exclude graduate assistants from collective bargaining.⁵

Based upon the totality of circumstances, the Board concludes that graduate assistants are not "students of a state institution" or "student help" for purposes of exclusion from collective bargaining pursuant to HRS § 89-6(f)(14) and (15). There is a lack of any specific exclusion for graduate assistants in HRS § 89-6(f) and no evidence has been presented that the Legislature intended to exclude graduate assistants from the right to collective bargaining.

The Board finds that the Petitioner's graduate assistant members are public employees employed by a public employer. *See*, HRS § 89-2; Columbia University, 364 NLRB No. 90 (2016). The fact that graduate assistants also have some other non-employment relationship with the University is irrelevant to this determination.

3.3. HRS § 89-6 Appropriate Bargaining Units

As for the determination of what categories the graduate students are **not** included in, it appears to be undisputed among the parties and the Board agrees that the declarations submitted and the facts clearly demonstrate that the Petitioner is not described in any of the bargaining units listed by Petitioner and included in HRS 89-6.

Specifically, Petitioner’s graduate assistant members are **not** included in any of the following units identified in HRS § 89-6: (1) nonsupervisory employees in blue collar positions; (2) supervisory employees in blue collar positions; (4) supervisory employees in white collar positions; (5) teachers and other personnel of the department of education; (6) educational officers and other personnel of the department of education; (9) registered professional nurses; (10) institutional health and correctional workers; (11) firefighters; (12) police officers; (14) state law enforcement officers; or (15) state and county ocean safety and water safety officers.

No evidence has been provided nor is there any evidence of which the Board is aware which would properly place Petitioner’s members in any of these units as defined by statute or by prior Board orders.

4. Declaratory Order

For the reasons stated above, the Board declares that Petitioner’s graduate assistant members are public employees as defined under HRS § 89-2. The Board further declares that Petitioner’s graduate assistant members are **not** included in any of the following units identified in HRS § 89-6: (1) nonsupervisory employees in blue collar positions; (2) supervisory employees in blue collar positions; (4) supervisory employees in white collar positions; (5) teachers and other personnel of the department of education; (6) educational officers and other personnel of the department of education; (9) registered professional nurses; (10) institutional health and correctional workers; (11) firefighters; (12) police officers; (14) state law enforcement officers; or (15) state and county ocean safety and water safety officers. This case is closed.

DATED: Honolulu, Hawai‘i, _____ January 4, 2024 _____.

HAWAI‘I LABOR RELATIONS BOARD



[Signature]

OSHIRO, Chair


SESNITA A.D. MOEPONO, Member


STACY MONIZ, Member

ACADEMIC LABOR UNITED and UNIVERSITY OF HAWAII; BOARD OF REGENTS,
UNIVERSITY OF HAWAII; DAVID LASSNER, PRESIDENT, UNIVERSITY OF HAWAII;
HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO;
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-
CIO; AND UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY
CASE NOS. 23-CE-05-976; 23-CU-05-400; 23-CE-05-978; 23-CU-05-399; 23-CE-05-979; 23-
23-DR-00-120
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECLARATORY ORDER
ORDER NO. 4019

Copies sent to:

Lance Collins, Esq.

Bianca Isaki, Esq.

Elisabeth Contrades, Associate General Counsel

Jonathan E. Spiker, Esq.

Fernando R. Colon, Esq.

Wade Zukeran, Esq.

Garret Strain, UAW

¹ HRS § 89-2 defines “employer” or “public employer” as:

“Employer” or “public employer” means the governor in the case of the State, the
respective mayors in the case of the counties, the chief justice of the supreme court in the
case of the judiciary, the board of education in the case of the department of education,
the board of regents in the case of the University of Hawaii, the Hawaii health systems

corporation board in the case of the Hawaii health systems corporation, and any individual who represents one of these employers or acts in their interest in dealing with public employees. In the case of the judiciary, the administrative director of the courts shall be the employer in lieu of the chief justice for purposes which the chief justice determines would be prudent or necessary to avoid conflict.

² HRS § 89-6(a)(7) and (8) define BU 7 and BU 8 as:

(7) Faculty of the University of Hawaii and the community college system;

(8) Personnel of the University of Hawaii and the community college system, other than faculty;

Further, HRS § 89-6(d)(4) defines the employer group for BU 7 and BU 8 as:

For bargaining units (7) and (8), the governor shall have three votes, the board of regents of the University of Hawaii shall have two votes, and the president of the University of Hawaii shall have one vote.

³ HRS § 89-2 defines “exclusive representative” as:

"Exclusive representative" means the employee organization certified by the board under section 89-8 as the collective bargaining agent to represent all employees in an appropriate bargaining unit without discrimination and without regard to employee organization membership.

⁴ These affiliates include HGEA; United Public Workers, AFSCME, Local 646, AFL-CIO; United Nurses Associations of California/Union of Health Care Professionals (UNAC/UHCP); and AFSCME Local 928.

⁵ *See*, Act 36, Session Laws of Hawai‘i 1973 and its legislative history.

HB-2720-HD-1

Submitted on: 2/13/2024 11:16:42 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Josiah Rodriguez	Academic Labor United	Comments	In Person

Comments:

My name is Josiah Keoni Rodriguez and I am a first year PoliSci PhD student working as a Graduate Assistant in the College of Social Work. I support revising HB 2720's current amended form to one that upholds the consitutional right of graduate assistants to collectively bargain.



Academic Labor United

Testimony from Academic Labor United (ALU)

Attention: House Committee on Higher Education & Technology
Representative Amy Perruso, Chair
Representative Jeanne Kapela, Vice Chair

Re: Strong Support of HB 2720 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 1400 plus Graduate Assistants employed at the University of Hawai'i (UH) and gain recognition for our labor. ALU is our stopgap measure to advocate for our union rights until we can legally exercise them.

Honorable representatives, before you, is a chance for Hawai'i to catch up to the rest of the states and correct decades-long denial of rights ([University of Hawaii at Mānoa Graduate Division](#), [University of Hawaii at Hilo](#)). HB 2720 will amend HRS 89-6 to create bargaining unit 16 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 Hawai'i and in education in Hawai'i. This will enable Graduate Assistants (GAs) to organize for the purposes of collective bargaining. **ALU is ready to be a union. We have a structure similar to other legally recognized unions, are continually growing, continually recruiting, continually improving our organizational structure, and have the written support of the National Education Association (NEA) and Hawai'i State Teachers Association (HSTA).**

ALU has a well-defined structure that can handle the responsibilities of representing GAs in our own collective bargaining unit. Members of ALU have fought tirelessly over the past few decades to unionize and as a result have created an appropriate structure to properly represent ourselves. The Executive Committee (EC) of ALU is currently composed of the following: Chair, Vice Chairs (for Organizing), Recording Secretary, Secretary-Treasurer, Communications, Political Education, Undergraduate Organizing Chair, General Grievance and Gender Equity. ALU is a structured, organized, and flexible union with our own by-laws as well as an active Finance, Communications, Political Education, International Students, Gender Equity, and General Grievance Committees. Our Finance Committee is working hard to ensure that ALU can meet the pecuniary needs of our organization to create a viable, long-lasting financial base, particularly through exploring ALU's future as a nonprofit organization. We are working closely with the NEA to model our budget after successfully functioning graduate student unions. ALU is diligently aligning our future funding structure with the current GA salary steps to make sure it's a realistic and affordable plan. ALU is confident that members will be able and willing to contribute based on the minimum of \$902 per year that UH currently requires all GAs to pay already. ALU's body would rather contribute to an organization that directly represents them and their needs.



Academic Labor United

This year, we have also formed a Constitutional Revision Coalition to update our by-laws that were last revised in 2017. The aim is to revise our core constitution to better reflect the responsibilities and rights that members of ALU have within our graduate student union, as well as adapt existing union constitutions from the NEA, HSTA, and other existing graduate student unions to fit our needs through a care-centered approach. ALU would also like to highlight the formation of a Legislative Committee, which actively meets with legislators and allies to discuss relevant bills and devise strategies for Committee hearings and shows that we are taking feedback from the state seriously with the gravity it deserves.

Our Organizing Committee, which also comprises a significant portion of the Executive Committee, has a structure similar to a typical union and liaison roles resembling the stewards in different colleges and departments. The Organizing Chairs include representatives from the College of Arts, Languages and Letters, College of Engineering, College of Natural Sciences, College of Social Sciences, School of Ocean and Earth Science and Technology, At Large Organizing Chairs (for UH Mānoa) and UH Hilo. This year to strengthen our Organizing Committee, we've developed Alaka'i roles (literally "a road that guides", with the idea that guidance comes not from persons directing it, but from the collective actions of people who leave their trace on the land) within as many departments as possible. The Alaka'i are similar to the shop steward structure found in most labor unions, and, as of creating the roles in ALU in late January 2024, ALU has brought on 11 new Alaka'i in 10 unique departments. ALU is bolstering our base of graduate students and continuously working to create an organizational structure that will outlast the term of any individual graduate assistant.

ALU has the support of the NEA and the HSTA. By Fall 2023, it had become clear that ALU needed support and guidance from a larger, more established union in order to grow and expand to meet its members' needs. A Union Affiliation Committee was formed which formulated guidelines. Over the course of three weeks (from September 27 to October 12), a series of meet and greets were scheduled with representatives from the National Education Association, the International Longshore and Warehouse Union, and the American Federation of State, County, and Municipal Employees. Each union was allotted two days in order for union representatives to meet ALU members, discuss their overlying structure, and provide context as to how they could assist ALU's unionization efforts. ILWU decided to withdraw from participating in the affiliation process, given the trajectory of the legal and political status of ALU's unionization efforts. To provide a summary of all the information received from both NEA and AFSCME, the Executive Committee worked closely with the Union Affiliation Committee to produce a Voting Guide that was then distributed to all ALU members, and several talk stories and information sessions were also held so members could freely discuss all considerations. Ultimately, ALU members determined, by the majority of votes cast, that the National Education Association was the best fit for our needs.



Academic Labor United

Since ALU's affiliation with NEA, NEA has pledged in writing support for our unionization efforts in various ways. Critical for the development of our own, unique collective bargaining unit, the NEA has offered support for budgeting assistance, establishing nonprofit/labor union status, and support from NEA's subject matter experts in graduate assistant history, applicable legal advice, and day-to-day chapter management. For the growth and vitality of ALU, NEA has also pledged support for organizational training programs, financial support for conference attendance, development of governing documents, membership to NEA's network, and access to NEA grants. These resources will help ALU with our ability to grow and remain an effective body to protect our graduate workers in the UH system. HSTA, which is an affiliate of NEA, has promised support for ALU as a potential sister-union. Specifically, HSTA has begun work to secure legal representation and advice to help ALU become a nonprofit labor union under Hawai'i law. HSTA's experience with the local political landscape is an invaluable resource and greatly appreciated. ALU is extremely grateful for the guidance, support, and aloha that the NEA and HSTA have shown us throughout our organizing endeavors.

Personally, as a 1st year PhD student in the atmospheric science department, I've seen the dedication and love that is being poured from all sides into ALU. I've been the SOEST Organizing Chair and a member of the Gender Equity committee since Fall 2023, and, while the excitement and recruiting events originally got me in the door, it has been the deep commitment to community and a better life for graduate workers that has kept me working hard. ALU is an organization that is care-centered, dedicated to fostering strong relationships with both people and the land, and has every chance to make UH a better place of learning and living. As a meteorologist, I know that you take every piece of information, every method and model and observation, into consideration to protect your community through your predictions. We have our methods in our organization structure, we have our models in NEA and HSTA, and we will weather the storm to see the sun on the other side.

Respectfully Submitted,

Matt Miller,
SOEST Organizing Chair Academic Labor United

February 6, 2024

Academic Labor United <alu@aluhawaii.org>

Dear Academic Labor United,

You requested that I answer the following question: Whether the legislature may lawfully "temporarily plac[e] the graduate assistants in HRS 89-6, the exclusionary statute".

The short answer is no: the legislature cannot deprive graduate assistants of their constitutional right to organize for purposes of collective bargaining even temporarily. Such an act would be unconstitutional and unlawful.

In 1968, the voters of the State of Hawai'i adopted Article XIII, Section 2 of the Hawai'i State Constitution recognizing a constitutional right for persons in public employment to organize for collective bargaining. Until this right was ratified as part of the constitution, it was the legislature's prerogative whether to grant rights to organize for collective bargaining to public employees.

In 1999, the legislature passed Act 100 which prohibited the state and public worker unions from negotiating over "cost items" including wages, hours, and contributions to the employee health fund. Public workers filed suit challenging the law as violating their right to organize for the purpose of collective bargaining.

The Hawai'i Supreme Court ruled in 2002 in *United Public Workers v. Yogi* _____, 101 Hawai'i 46, 62 P.3d 189 (2002) that the phrase "as provided by law" in Article XIII, Section 2 of the Hawai'i Constitution Hawai'i Constitution was intended to confer on the legislature the power to regulate the scope of collective bargaining not to confer on the legislature the power to grant and deny the right of public employees to organize for the purpose of collective bargaining altogether.

In *United Public Worker v. Yogi*, the Hawai'i Supreme Court unanimously agreed in the three opinions of the Court: "[w]hile the legislature is given broad discretion pursuant to article XIII, section 2, the language 'as provided by law' does not give the legislature unfettered discretion to infringe upon the core principles of collective bargaining." *Yogi* 101 Hawai'i at 54, 62 P.3d at 198 (Nakayama, J, concurring majority opinion). "The legislature did not have the constitutional authority to enact a law that in effect completely abrogated the right granted under article XIII,

section 2 of the Hawai'i Constitution.” Id., 101 Hawai'i at 55, 62 P.3d at 199 (Nakayama, J., “concurring” majority opinion).

Yogi reiterated this constitutional interpretation throughout the opinions. “[T]he core of Article XIII, Section 2 of the Hawai'i Constitution, inasmuch as relevant history confirms that the right to organize and bargain collectively was to remain inviolate[.]” Id., 101 Hawai'i at 55, 62 P.3d at 199 (Acoba, J., concurring). “[T]he framers were not in favor of granting the legislature the ultimate power to deny the right to organize for the purpose of collectively bargaining[.]” Id., 101 Hawai'i at 51, 62 P.3d at 195 (Ramil, J., decision of the court). “[T]he framers did not intend to grant the legislature absolute discretion to take away the right to collectively bargain altogether[.]” Id. (Ramil, J.). “Granting the lawmakers absolute discretion to define the scope of collective bargaining would also produce the absurd result of nullifying the 'right to organize for the purpose of collective bargaining.” Id., 101 Hawai'i at 52, 62 P.3d at 196 (Ramil, J.) “[T]he intent and object of the framers who adopted article XII, section 2 was to extend to public employees similar rights to collective bargaining previously adopted for private employees under article XII, section 1.” Id., 101 Hawai'i at 53, 62 P.3d at 197 (Ramil, J.). As stated in all opinions of the Yogi court, the legislature lacks the power to completely abrogate the right granted under Article XIII, § 2 whether it does it to all public employees or only certain classes.

For these reasons, the legislature cannot deprive graduate assistants of their constitutional right to organize for purposes of collective bargaining even temporarily (as Act 100 intended to do). Such an act would be unconstitutional and unlawful.

Please do not hesitate to reach out to me should you have any other questions.

Very truly yours,
LAW OFFICE OF LANCE D COLLINS

A handwritten signature in black ink, appearing to read "Lance D. Collins". The signature is fluid and cursive, with a large initial "L" and a distinct "D" at the end.

LANCE D COLLINS



1201 16th St, N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Rebecca S. Pringle
President

Princess R. Moss
Vice President

Noel Candelaria
Secretary-Treasurer

Kim A. Anderson
Executive Director

February 13, 2024

House Committee on Higher Education and Technology
Hawai'i State Capitol
415 South Beretania St
Honolulu, HI 96813

Honorable Chair Rep. Amy Perruso and Honorable Vice Chair Representative Jeanne Kapela,

SUBJECT: HB BILL (HB) 2720 RELATING TO COLLECTIVE BARGAINING

I trust this correspondence finds you well. On behalf of the National Education Association, it is with great pleasure that I express our steadfast support for Academic Labor United and would like to further articulate our commitments of support to ALU. As the largest labor organization in the country representing education employees, we have the capacity to support the continued development of Academic Labor United as a viable, effective, and sustainable representative of its members.

The NEA can offer the following resources and assistance to Academic Labor United (ALU):

Digital Organizing Tools and Platforms: We will provide access to state-of-the-art digital organizing tools and platforms, empowering Academic Labor United to streamline communication, collaboration, and outreach efforts.

Training Programs: Our organization will conduct comprehensive training sessions focused on key areas of organizational development, including leadership development, building membership, creating enduring structures, and formulating a multi-year organizing plan aimed at ensuring robust membership engagement and support.

Financial Support for Conference Attendance: We are pleased to extend financial support and logistical assistance to facilitate the attendance of members of Academic Labor United at the NEA Higher Education Conference in Atlanta. This opportunity will serve as a catalyst for valuable networking and professional growth.

Budgeting Assistance: We will furnish sample budgets, training and offer guidance on financial management to aid in the effective allocation of resources and strategic financial planning, in accord with the standards in our *Guide to Best Financial Practices for Local Affiliates*.

Development of Governing Documents: Our team can provide guidance and support in the development of governing documents tailored to the unique needs and aspirations of Academic Labor United.

Nonprofit/Labor Union Status Establishment: We are committed to providing support throughout the process of establishing nonprofit status for Academic Labor United, in collaboration with the Hawai'i State Teacher's Association (HSTA), to ensure compliance with state and legal mandates.

Membership in NEA's Network: ALU members will become part of NEA's network of over three million members, gaining access to invaluable resources, advocacy efforts, and collaborative opportunities.

NEA Graduate Assistant Committee Membership: Members of Academic Labor United will have the opportunity to join the NEA Graduate Assistant Committee, thereby gaining access to peer expertise, support, and a platform for sharing best practices and insights with similar organizations representing graduate assistants at universities across the nation.

Support from NEA's Subject Matter Experts: NEA's staff includes experts in Graduate Assistant history, organizing and issues, applicable labor law, professional development, policy, day to day chapter management, and much more.

Access to NEA Grants: Once unit 16 is established and ALU officially affiliates with NEA, they will be able to apply for a range of NEA grants to support initiatives and projects aligned with our shared goals and priorities; including organizing and member engagement, professional development, and racial and social justice.

The National Education Association is committed to advancing the objectives of HB 2720 and fostering the growth and sustainability of Academic Labor United. Should you require further information or have any questions, please feel free to reach out to our Higher Education Organizing Team, led by Marcy Kamienecki who can be reached at mkamienecki@nea.org.

Sincerely,

Tom Israel
Senior Director, Center for Organizing and Affiliate Support
National Education Association

February 13, 2024

House Committee on Higher Education

Hawai'i State Capitol

415 South Beretania St

Honolulu, HI 96813

Honorable House Higher Education and Technology (HET) Committee Chair Perruso and

Honorable House Higher Education (HRE) Committee Chair Kim,

SUBJECT: HOUSE BILL (HB 2720) RELATING TO COLLECTIVE BARGAINING

To Chair Rep. Amy Perruso and Vice Chair Rep. Jeanne Kapela of the House Higher Education Committee, thank you very much for the opportunity to submit testimony on behalf of HB 2720.

My name is Dianne Deauna, a PhD candidate in Oceanography and the Chair of Academic Labor United. I'm writing in support of HB 2720, a bill that will create a new collective bargaining unit for graduate student workers of the UH system. I'm providing context on ALU's history of legislative efforts, our fight in the court system, the declaratory ruling by the HLRB, why graduate student workers belong in their own bargaining unit, and why the legislature cannot bar graduate student workers from their right to organize and collectively bargain.

A. Brief history of legislative efforts by graduate student workers in UH

The legislative efforts of graduate student workers in UH Mānoa started in 2012, when with the efforts of the Graduate Student Organization, HB 2859¹ was introduced by Rep. Chris Lee. It

¹ https://www.capitol.hawaii.gov/session/archives/measure_indiv_archives8-12.aspx?billtype=HB&billnumber=2859&year=2012

aimed to “remove graduate students employed by the University of Hawai’i from the list of state employees statutorily barred from inclusion in an appropriate bargaining unit.” It passed through the House Committee on Labor & Public Employment and Higher Education Committee but was not scheduled for a hearing by the House Finance Committee. In 2013, GSO representatives met with Chancellor Tom Apple to negotiate Graduate Assistant pay to be raised from Step 6 to Step 8. There was verbal confirmation, but financial support did not follow through for the measure. In 2015, HB 553² was introduced by Rep. Isaac Choy, while its companion bill SB 638³ was introduced by Sen. Brian Taniguchi. HB 553 aimed to “allow part-time and full-time graduate assistants employed by UH to collectively bargain their wages, hours, and other terms; provided that no collective bargaining agreement shall take effect prior to July 1, 2016.” It also required “UH and the relevant exclusive representatives to meet and report to the legislature.” SB 638 established “UH graduate assistants as exclusive bargaining unit (15), effective 12/31/2016.” It also “required the director of human resources development to establish a working group to submit recommendations on the rights and privileges of individuals in collective bargaining unit (15) to the legislature.” SB 368 passed its Third Reading in the Senate and was scheduled for a hearing by the House LAB Committee, and then deferred. HB 553 was ultimately vetoed by Governor Ige.

In 2017, having exhausted GSO avenues for a labor union, graduate workers at the University of Hawai’i established Academic Labor United.⁴ ALU led efforts in 2019 to push for HB 1274⁵ and 919⁶ both introduced by Rep. Justin Woodson, which aimed to establish a collective bargaining

² https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=553&year=2015

³ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=638&year=2015

⁴ <https://academiclaborunited.org/constitution-bylaws>

⁵ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=1274&year=2019

⁶ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=919&year=2019

unit for graduate assistants employed by the University of Hawai'i. SB 1368⁷ was introduced by Sen. Kaiali'i Kahele which had a similar goal. The Senate Bill was cross referenced to the House, but was not scheduled for any further hearings. HB 919 passed its Second Reading, and HB 1274 received notice of its Senate conferees, but Speaker Scott Saiki did not assemble its counterpart House conferees. In 2022, HB 1531⁸ was introduced by Rep. Amy Perruso, and was heard and passed by the HET Committee, while SB 2552⁹ introduced by Sen. Laura Acasio was not scheduled for any hearings. In 2023, HB 874¹⁰ introduced by Rep. Amy Perruso was passed by the HET and LGO Committees, while SB 394¹¹ introduced by Sen. Donovan Dela Cruz, at the request of another party, was not scheduled for any hearings.

In all instances, the University of Hawai'i has either submitted testimony opposing the bill or has chosen to not take a position on the matter, while failing to make substantive improvements to policies governing graduate student workers employment and working conditions.

B. ALU Lawsuit and HLRB petition

Pursuing litigation against the 1972 decisions to exclude graduate assistants from collective bargaining has always been in the background, but it was not until 2021 when the lack of progress at the legislature prompted ALU leadership to work with Atty. Lance Collins to file suit against the Board of Regents, the Hawai'i Labor Relations Board, and the state of Hawai'i. It sought "declaratory judgment from the Court that graduate assistants are public employees and thus have the right to organize for collective bargaining".¹² In April 2023, the State Supreme

⁷ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=1368&year=2019

⁸ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=1531&year=2022

⁹ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=2552&year=2022

¹⁰ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=874&year=2023

¹¹ https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=394&year=2023

¹² <https://www.staradvertiser.com/2021/05/05/hawaii-news/university-of-hawaii-graduate-assistants-sue-for-right-to-unionize/>

Court ruled that graduate student workers had not yet “exhausted its administrative remedies”¹³ and compelled the HLRB to rule on graduate student workers’ status as public employees. In July 2023, ALU filed a declaratory petition with the HLRB, and on January 4, 2024, the HLRB ruled that (1) graduate student workers are public employees and (2) they are excluded from bargaining units 1, 2, 4, 6, 9, 10, 11, 12, 14, and 15. This left Units 3, 7, 8, and 13 as possible bargaining units for graduate student workers (see HLRB testimony for Joint Senate Hearing).¹⁴

Unit 7¹⁵ is for UH Faculty, and is represented by the University of Hawai’i Professional Assembly. Graduate student workers do not fit into this bargaining unit as they would be in the same unit as their direct supervisors, some of whom GAs might have grievances with. Unit 3¹⁶ is for nonsupervisory employees in white collar positions, Unit 8¹⁷ is for personnel of the University of Hawai’i and the community college system, and Unit 13¹⁸ is for professional and scientific employees, all represented by the Hawai’i Government Employees Association. The scope and nature of the work done by graduate student workers at the University of Hawai’i, along with the requisite qualifications, training, and employment conditions necessitated by the nature of graduate teaching and research assistantships (e.g., graduate workers are exempt from any retirement and pension plan benefits which are fundamental to the contracts negotiated by all three units) all signify that graduate workers do not belong to any of the three units represented by HGEA. It is also noteworthy that both UHPA and HGEA have supported graduate student workers belonging to their own unit since the beginning of legislative efforts by GSO and ALU (see attached below testimony letters from both entities).

¹³ <https://www.staradvertiser.com/2023/04/06/hawaii-news/ruling-opens-path-for-uh-grad-students-to-unionize/>

¹⁴ https://www.capitol.hawaii.gov/sessions/session2024/Testimony/SB3317_TESTIMONY_HRE-LBT_02-09-24_.PDF

¹⁵ <https://www.uhpa.org/wp-content/uploads/2022/08/2021-2025-Agreement-Manually-Scanned.pdf>

¹⁶ <https://dhrd.hawaii.gov/wp-content/uploads/2012/12/2013-15-HGEA-Unit-3-Contract.pdf>

¹⁷ <https://www.hawaii.edu/ohr/documents/13478>

¹⁸ <https://dhrd.hawaii.gov/wp-content/uploads/2012/12/2013-17-HGEA-Unit-13-Contract.pdf>

C. The HB 2720 amendment and the constitutional right of graduate student workers to collectively bargain

HB 2720 as it currently stands after amendment by the Labor and Government Operations Committee has both created a bargaining unit for graduate assistants (BU 16), AND included graduate student assistants among “individuals not to be included in any appropriate bargaining unit or be entitled to coverage under this chapter (HRS 89-6, which governs collective bargaining in public employment)”.¹⁹ The following statement was then used to characterize this amendment: “Exempts graduate assistants from collective bargaining until they petition the Hawai‘i Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit.” This allusion to a temporary arrangement, and the direct contradictory nature of those two provisions notwithstanding, we assert that it is utterly unlawful for the legislature to prevent graduate student workers from exercising their constitutionally guaranteed right to bargain as public employees.

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, Sec. 2). In its ruling released last January 4th, the Hawai‘i Labor Relations Board stated: “The first question that the Board considers is whether ALU’s graduate assistant members are public employees within the meaning of HRS Chapter 89. Based on the evidence, the Board finds the graduate assistants represented by ALU are public employees under HRS 89-2 and 89-6 and, therefore, have the right to organize for collective bargaining.” Furthermore, in 2002, the Hawai‘i Supreme Court in its ruling for *United Public Workers vs Yogi* (where

¹⁹ https://www.capitol.hawaii.gov/hrscurrent/vol02_ch0046-0115/hrs0089/hrs_0089-.htm

public workers sued the State of Hawai'i when the legislature passed an act which trampled on their rights to freely negotiate on "cost items" in their contracts) stated in their majority opinion that **"The legislature did not have the constitutional authority to enact a law that in effect completely abrogated the right granted under article XIII, section 2 of the Hawai'i Constitution"**. Therefore, the amendment to exclude graduate assistants from collective bargaining oppresses their fundamental rights, and the legislature does not have the authority to enact this amendment into law. It is with these considerations that we strongly protest against its inclusion in any future versions of HB 2720, and we urge the Higher Education and Technology Committee to stand with graduate student workers and ensure that their constitutional rights are upheld.

In conclusion, graduate student workers have been fighting for decades for the right to collectively bargain as public employees; the graduate workers of Hawai'i deserve a dedicated bargaining unit and they are well within their rights as public employees to collectively bargain. **The time is now for the House to pass HB 2720 and create a bargaining unit for the graduate student employees of the UH System.**

Sincerely,



Dianne Deauna

Chair, Academic Labor United



House Committee on Higher Education
Tuesday, February 14, 2012
2:00 p.m.

HB 2859, Relating to Collective Bargaining.

Dear Chairman Nishimoto and Committee Members:

On behalf of the University of Hawaii Professional Assembly (UHPA), we believe that the right to collective bargaining should be extended to university graduate assistants in Hawaii. Often these employees find themselves having little control over their working conditions and the educational experiences that should enhance their learning and skill development. Graduate Assistances, by their very nature, often are caught in a twilight zone without appropriate recourse to resolve problems and issues arising out of the employment relationship.

In the past, UHPA has supported efforts to include graduate assistants under the provisions of Chapter 89. We believe it is appropriate that graduate assistants should have a voice in their unique employment/education positions.

We urge the Committee to support this legislation.

Respectfully submitted,

Kristeen Hanselman
Associate Executive Director

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

1017 Palm Drive · Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 · Facsimile: (808) 593-2160
Web Page: <http://www.uhpa.org>





HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Twenty-Sixth Legislature, State of Hawaii
House of Representatives
Committee on Higher Education

Testimony by
Hawaii Government Employees Association
February 14, 2012


H.B. 2859 – RELATING TO
COLLECTIVE BARGAINING

The Hawaii Government Employees Association AFSCME Local 152, AFL-CIO strongly supports the concept of allowing student help to be included in an appropriate collective bargaining unit, as proposed in H.B. 2859 – Relating to collective bargaining.

Student workers have encountered numerous issues in the past few years, including budget cutbacks, an increase in class size and workload, and the ever increasing cost of living in Hawaii. Despite these issues, student workers have not received a salary increase since 2004. Amending Ch. 89-6, Hawaii Revised Statutes by removing the exclusion of student help employees from collectively bargaining is the first necessary step in allowing them to unionize and will ensure their rights as state workers.

Thank you for the opportunity to testify in support of H.B. 2859.

Respectfully submitted,

for 
Randy Perreira
Executive Director



The House Committee on Higher Education
Thursday, February 12, 2015
2:03 p.m.

HB 553, HD 1, Relating to Collective Bargaining.

Dear Chairman Choy and Committee Members:

The University of Hawaii Professional Assembly urges the committee to support passage of this proposed measure by amendments to the Hawaii Revised Statutes Chapter 90 that will advance the interests of graduate assistants. These employees are essential to instruction and research that contribute to the overall success of the University of Hawaii. Graduate Assistances are employees in the full sense of the term with continuing access to positions based on job and academic performance.

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

Respectively submitted,

Kristeen Hanselman
Association Executive Director

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

1017 Palm Drive • Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 • Facsimile: (808) 593-2160
Web Page: <http://www.uhpa.org>



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirtieth Legislature, State of Hawaii
House of Representatives
Committee on Lower and Higher Education
Committee on Labor and Public Employment

Testimony by
Hawaii Government Employees Association

February 12, 2019

H.B. 919 – 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 H.B. 919.

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 H.B. 919.

Respectfully submitted,


for Randy Perreira
Executive Director



The House Committee on Lower and Higher Education
The House Committee on Labor and Public Employment
February 12, 2019
2:10 PM, Conference Room 309

RE: HB 919 RELATING TO COLLECTIVE BARGAINING

Attention: Chairs Justin Woodson and Aaron Ling Johanson, Vice Chairs Amy Perruso and Stacelynn Eli and Members of the Joint Committees

The University of Hawaii Professional Assembly (UHPA) urges the joint committees to **support passage of HB 919** 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 HB 919**.

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



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Higher Education & Technology

Testimony by
Hawaii Government Employees Association

February 2, 2022

H.B. 1531 – RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the right of all employees to collectively bargain their wages, salaries, and terms & conditions of employment, including graduate assistants employed by the University of Hawaii as outlined in H.B. 1531.

We represent over 40,000 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 a myriad of work-related issues including problematic working conditions with the Employer, budgetary setbacks, 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 with the Employer.

Thank you for the opportunity to testify in support of H.B. 1531.

Respectfully submitted,

Randy Perreira
Executive Director



The House Committee on Higher Education & Technology
February 15, 2023
Room 309, Videoconference
2:00 pm

RE: **HB 874, HD1 Relating to Collective Bargaining**

Attention: Chair Amy Perruso, Vice Chair Jeanne Kapela and members of the Committee

The University of Hawaii Professional Assembly (UHPA) recognizes the bill's intent of allowing graduate student assistants to be entitled to the State's collective bargaining law by creating a new bargaining unit (16) under HRS, Chapter 89, §89-6, and other enabling statutes under HRS, Chapter 89 as outlined in HB 874, HD1.

UHPA supports all public employees' right to organize and collectively bargain. Such a right is consistent with the historical labor tradition for public employees in our State and is compatible with an academic environment whereby the majority of our public employees have the ability to organize for the purposes of collective bargaining.

Thank you for the opportunity to provide testimony in support.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Higher Education and Technology

Testimony by
Hawaii Government Employees Association

February 15, 2023

H.B. 874, H.D. 1 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 874, H.D. 1 which allows graduate assistants employed by the University of Hawaii system the right to collectively bargain.

As Hawaii's largest public sector union, we represent public employees across the State, Counties, the Judiciary, Department of Education, and the University of Hawaii system. We believe graduate assistants should be afforded the right, like many other public employees, to collectively bargain.

Thank you for the opportunity to provide testimony in support of H.B. 874, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



The Committee on Higher Education
February 8, 2024
3:05 PM
Room 229

RE: **SB 3317, Relating to Collective Bargaining**

Attention: Chair Donna Mercado Kim, Vice Chair Michelle Kidani and Members of the Committee

The University of Hawaii Professional Assembly (UHPA) supports the intent and purpose of SB 3317, establishing collective bargaining unit (16) under HRS, Chapter 89, §89-6, and other enabling statutes under HRS, Chapter 89, for graduate assistants employed by the University of Hawaii and community college system.

UHPA supports all public employees' right to organize and to participate in collective bargaining. Taking into account the recent Hawaii Labor Relations Board decision, UHPA believes it is appropriate for this group of public employees to establish their own bargaining unit since they currently do not fit within any of the existing 15 categorical bargaining units. Doing so would allow these public employees to better secure their interests through collective bargaining on the specific issues that graduate assistants are seeking to obtain.

Thank you for the opportunity to provide comments on SB 3317.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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

The Thirty-Second Legislature, State of Hawaii
The Senate
Committee on Labor and Technology
Committee on Higher Education

Testimony by
Hawaii Government Employees Association

February 8, 2024

S.B. 3317 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO wishes to provide comments on the purpose and intent of S.B. 3317 which establishes a collective bargaining unit for graduate assistants employed by the University of Hawai'i and community college system.

In-light of the recent Hawaii Labor Relations Board decision, we find it necessary and appropriate for this group of employees to establish their own bargaining unit so that they can bargain collectively, just like many other public employee groups.

Thank you for the opportunity to provide comments on S.B. 3317.

Respectfully submitted,

Randy Perreira
Executive Director



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

Osa Tui, Jr.
President

Logan Okita
Vice President

Lisa Thompson
Secretary-Treasurer

Ann Mahi
Executive Director

TESTIMONY TO THE HAWAII HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Item: **HB2720 HD1 - Relating to collective bargaining**
Position: **Oppose**
Hearing: **February 14, 2024, 2:00 p.m., Conference Room 309**
Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Chair Perruso, Vice Chair Kapela, and members of the committee,

The Hawai'i State Teachers Association **opposes** HB2720 HD1 which establishes a collective bargaining unit for graduate assistants employed by the University of Hawai'i and its community college system, but also exempts graduate assistants from collective bargaining until they petition the Hawai'i Labor Relations Board and the Board determines the graduate assistants are ready to be placed in a bargaining unit.

The Hawai'i State Teachers Association (HSTA) was in full support of HB2720 as originally drafted, but cannot support the HD1 which exempts the graduate students from collective bargaining. Unlike the characterization in the description of HB2720 HD1, the graduate assistants are absolutely ready to be placed into a bargaining unit and HSTA and the National Education Association (NEA), of which HSTA is an affiliate, stand ready to support them.

Questions and concerns that were brought up on February 8, 2024 in the joint Senate LBT/HRE committee hearing relating to SB3317 - Relating to collective bargaining. That bill also seeks to establish a collective bargaining unit for graduate assistants employed by the University of Hawai'i (UH) and community college system.

In 2015, the legislature passed HB553 which was to remove part-time and full-time graduate assistants from being both exempted from inclusion in a bargaining unit and exempted from collective bargaining rights. Gov. David Ige subsequently vetoed that bill stating that they were students first and employees second.

In seeing the need for more organization to deal with the issue, Academic Labor United (ALU) was formed by the UH graduate assistants in 2017 to address the fact that the UH and community college

system did not have any contractual obligation to discuss graduate assistants' terms of employment including working conditions, benefits, and compensation.

After many years of struggle, ALU received favorable rulings from both the Hawai'i Supreme Court (HSC) and the Hawai'i Labor Relations Board (HLRB). On April 5, 2023, the HSC determined that ALU had the right to petition the HLRB to determine if they were public employees. On January 4, 2024, the HLRB declared:

For the reasons stated above, the Board declares that Petitioner's graduate assistant members are public employees as defined under HRS § 89-2.

Now that a definitive ruling has come from the HLRB that the graduate assistants are public employees, the next step is to determine which bargaining unit would be most appropriate for the graduate assistants. During the February 8, 2024 Senate LBT/HRE hearing, Chair Kim stated the following:

The unions have all come in support, but they're not willing to take them on in their union so that is of concern.

It is the HSTA's belief that ALU is unique enough to need their own designated bargaining unit, Bargaining Unit (BU) 16. Unlike other government employee groups that wish to switch from their current bargaining unit and form their own bargaining unit, the UH graduate assistants do not currently exist under any current bargaining unit.

HSTA believes that the work performed by the graduate assistants fall well outside of the scope of BU 5 as defined by Hawai'i Revised Statutes §89-6(a)(5):

Teachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;

This was affirmed by the January 4, 2024 HLRB ruling which declared that the graduate assistants do not belong to BU 5 and neither to BUs 1, 2, 4, 6, 9, 10, 11, 12, 14, and 15. The communities of interest do not intersect for HSTA and UH graduate assistants. HSTA bargains with the Hawai'i Department of Education and the Hawai'i Board of Education and represents employees in the Hawai'i PK-12 public school system. The UH graduate assistants would bargain with the University of Hawai'i and the UH Board of Regents and are employees of the UH and community college system. The graduate assistants also would not likely fall under the same pay scale as BU 5.

During the February 8, 2024 Senate LBT/HRE hearing, Chair Aquino stated the following:

To the NEA and to the HSTA who have shown probably the most support and administrative support at this point in time, we'd like to see how you folks are being involved and how we can get to the finish line for this particular group. If that information, and all information to the questions posted, can be provided to the chairs of the joint committees.

HSTA and the National Education Association (NEA) have been providing support to ALU and will continue to support ALU during this fledgling stage. As mentioned earlier, HSTA is an affiliate of the NEA.

ALU took a non-binding ranked-choice vote in November of 2023 regarding national affiliation. The choices were between the NEA and the American Federation of State, County and Municipal Employees (AFSCME). NEA came away with 76 percent of the first-choice votes cast.

Given the strong indication to affiliate with the NEA, HSTA has stepped up our support for our potential sister-union, ALU, should they be granted their own bargaining unit. For the time being, HSTA has provided testimony in strong support of HB2720 as originally drafted (and its equivalent SB3317) and helped to shepherd ALU leaders through the legislative process. HSTA has also met with ALU members through their General Assembly. Additionally, HSTA has begun work, with the support of the NEA, to secure legal representation and advice on the next steps towards forming a nonprofit labor union under Section 501(c)(5) of the IRS code and to ensure all proper registrations and filings are processed. HSTA and the NEA will also guide ALU through their other needs they will require including supporting training in the area of nonprofit fiduciary obligations as well as collective bargaining and exclusive representation, which includes but is not limited to the bargaining process within the public sector and the State of Hawai'i, the formulation of grievance processes, and methods to support healthy labor management relations. The NEA in particular is very experienced and has access to a multitude of subject matter experts who work to support and are well-versed in issues affecting graduate assistant unions throughout the country. The NEA has already invited ALU to attend and participate in the upcoming NEA Higher Education Conference next month and other opportunities to build relationships and share best practices with graduate assistants from across the country.

In a state like Hawai'i where collective bargaining rights are enshrined in our state constitution, Academic Labor United has been diligently jumping over each obstacle and hurdle put in their way as they fight tooth-and-nail for the recognition and respect they should be afforded for the valuable work they perform as government workers.

There have been many struggles along the way and there will continue to be struggles as ALU works with passion and drive to organize and improve their conditions as public workers. Having the graduate assistants go back to the HLRB once more and then come back to the legislature another year is just another set of unnecessary obstacles. The legislature should just create BU 16 and then allow the HLRB to place the graduate assistants there once the bargaining unit is there for them.

Please remove this final obstacle that remains in the path of University of Hawai'i graduate assistants to become their own bargaining unit with a legitimate seat at the bargaining table to advocate for themselves. HSTA stands ready to assist them in whatever way they need.

The Hawai'i State Teachers Association asks your committee to **oppose** this bill as it is drafted and revert to the original language that did not include exempting graduate assistants from collective bargaining.



Cade Watanabe, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Eric W. Gill, Senior Vice-President

February 13, 2024

House Committee on Higher Education & Technology
Hearing on Wednesday, February 14, 2024, 2:00pm
Representative Perruso, Chair
Representative Kapela, Vice-Chair

Testimony in strong support of HB2720_HD1, relating to collective bargaining

Chair Perruso, Vice Chair Kapela and Members of the Committee,

UNITE HERE Local 5 represents 10,000 working people in the hotel, food service and health care industries across Hawaii.

We are in SUPPORT of HB2720_HD1. As a union established in 1938, we are acutely aware of the benefits unionism will have on UH graduate student workers' lives.

We believe unions through collective bargaining provide safer and better working conditions, good wages, affordable healthcare, job security, dignity, respect and many other benefits for its members as well as the community.

Graduate student assistant workers are a vital part of Hawaii's educational system and they deserve the right to unionize in the way they see fit.

Amendments in HB2720_HD1 will require the graduate assistant bargaining unit to petition the Hawaii Labor Relations Board when the unit determines it is ready to be officially recognized. We look forward to seeing the graduate student assistants enjoy the strengths of unionization.

We urge you to pass HB2720_HD1.

Thank you for your consideration.



The House Committee on Higher Education and Technology
February 14, 2024
2:00 PM
Room 309

RE: **HB 2720, HD 1, Relating to Collective Bargaining**

Attention: Chair Amy Perruso, Vice Chair Jeanne Kapela and members of the Committee

The University of Hawaii Professional Assembly (UHPA) supports the intent and purpose of HB 2720, HD 1, allowing graduate assistants employed by the University of Hawaii and community college system to collectively bargain upon determination by the Hawaii Labor Relations Board (HLRB) that graduate assistants are ready to be placed in a bargaining unit.

UHPA supports all public employees' right to organize and to participate in collective bargaining. Taking the recent HLRB decision into account, UHPA believes it is appropriate for this group of public employees to establish their own bargaining unit, since they currently do not fit within any of the existing 15 categorical bargaining units. Doing so would allow these public employees to better secure their interests through collective bargaining on the specific issues that graduate assistants are seeking to obtain.

Thank you for the opportunity to provide comments on HB 2720, HD 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Fern'.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

HB-2720-HD-1

Submitted on: 2/12/2024 4:42:12 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ethan Chang	Individual	Support	Written Testimony Only

Comments:

I'm Ethan Chang, an assistant professor in the College of Education. I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

I am a direct beneficiary of strong graduate union organizing at the University of California, Santa Cruz. It is in the best interest of the University of Hawai'i system to support graduate students' well-being and right to organize particularly in light of their essential contributions to campus instruction, mentorship, and scholarship.

HB-2720-HD-1

Submitted on: 2/12/2024 5:05:06 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Pendergast	Individual	Support	Written Testimony Only

Comments:

I'm Alice Pendergast, a graduate student TA from the UH Psych department, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/12/2024 5:14:42 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aree Worawongwasu	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

My name is Aree Worawongwasu. I am International Students Committee Co-Chair and Constitutional Revision Committee Co-Chair of Academic Labor United, and I also serve on the Gender Justice Committee, Communications Committee, and Political Education Committee of our union. **I support revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.** For the past three years, I have worked as a Graduate Assistant in the American Studies department of the University of Hawai‘i, where I am pursuing my PhD. I work hard, I enjoy teaching, and I have even been nominated for the prestigious Frances Davis Award for Undergraduate Teaching. I have taught 40 students in two class sections in almost every semester I have worked at the University of Hawai‘i, including a writing-intensive course I designed entirely by myself as the Instructor Of Record last Spring. As much as I love teaching and research, UH simply does not pay us a living wage in order for us to sustain the work that keeps this university running.

Here are just a few excerpts of what students have shared about my teaching over the past three years:

“Ms. Worawongwasu was and continues to be one of the most influential people in my life. I truly believe that Ms. Worawongwasu and her teachings have changed my life and career path for the better. Her class opened my eyes to a world of work in Indigenous rights and sovereignty movements, which I am looking to enter as I continue on my academic journey. It was during my time as her student that I realized the importance of and my passion for Indigenous rights and sovereignty. Her class pushed me to further investigate the relationships between America and all groups of Indigenous peoples and to think critically about what I have learned about America and Indigenous peoples prior to the class. Ms. Worawongwasu’s teachings were so influential that my education since that class has been centered around the topics introduced to me by her.

The fervor in which she taught created such an engaging learning environment. I learned something new each and every class. Ms. Worawongwasu also cultivated a learning environment in which each person could feel comfortable asking any questions that they had or to share opinions safely. In class, she made it a point to make sure that every student felt valued and that their voice mattered, no matter what background they came from.

Ms. Worawongwasu's public and vocal support as an ally for the Kānaka 'Ōiwi community has made me feel that much more comfortable as a student of hers. Being of Hawaiian descent, I always felt supported and never spoken over by her or other classmates because of her allyship and the nurturing environment she created within the classroom.

Even after finishing my course with Mr. Worawongwasu, she continues to be a very supportive and trustworthy figure in my life. Whenever I needed a Letter of Recommendation, wanted to discuss American Studies material, or just wanted to chat about life, she made time for me. Before I officially declared American Studies as my minor, she met with me multiple times so that she could answer all my questions and so that I felt clear about what I was getting myself into. She has also met with me on multiple occasions just to talk about various topics that I am passionate about, like blood quantum and Indigenous education, so that I could learn more and sort through the thoughts that I had. I have never felt more supported by an educator before."

"Aree served as my section's Graduate Teaching Assistant for Kumu Brandy Nālani McDougall's Intro to Indigenous Studies course in Fall 2021. Of the many instructors I've come across in the UH system, from undergraduate to tenured, Aree is at the very top of my list. First and foremost, Aree is a living embodiment of conscious engagement with indigenous lands, waters, and communities. She is perfectly suited as a role-model for undergraduate students learning to ethically engage with the world around them. As an indigenous woman myself, I know very few people who dedicate their daily lives to decolonization and social justice more resolutely than Aree. From her fervent activism through Women's Voices Women Speak and the O'ahu Water Protectors, to her monthly commitment to mālama 'āina through Ka Papa Lo'i O Kānewai, to the full-time pursuit of her Ph.D. in American Studies with a Graduate Assistantship - to name a few of her involvements known to me - I am often left astonished at the way Ms. Worawongwasu still moves through the world with such tenacity and grace.

As an instructor, Aree critically engages students in the examination of their privileges and positionalities, while extending compassion and holding a safe space for this exploration. In what appeared to be an inexplicably difficult semester for many, I watched as Aree managed to facilitate meaningful discourse with at times minimal student engagement. On a practical level, between all her commitments, Aree is incredibly prompt in responding to any course-related questions or concerns. She has given the most impactful academic feedback of any instructor I've worked with. When our class met for optional mālama 'āina workdays in relation to our final project, Aree always found the time to be present. Beyond the course material, Aree's expansive knowledge of worldwide indigenous issues was evident in her frequent "plugging" of organizations and movements for students to support. I was once surprised and heartened to see Aree share the information for Prutehi Litekyan, an organization of land and water protectors on my home island of Guāhan. Her capacity for global social awareness is incredible to witness and something I aspire to."

"Aree is amazing! She always led thought provoking discussions and allowed students to share and work through their thoughts in a supportive way."

"I truly appreciate our GA, Aree. She did a lot of the grading and accepting papers as well as leading discussions. Most of the time, I enjoy emailing her with questions because it felt more

comfortable to do so due to her welcoming presence. She is also understanding of technical difficulties that may prevent us from submitting assignments online.”

“Aree was very kind, endlessly patient, and always helpful. She was a great leader for the discussion sections.”

“Very helpful! She was able to look over my essays and give me feedback so I could get a better grade. Facilitated classroom discussions well, making them engaging and relevant to the lecture.”

“I always felt like I could express my thoughts and opinions in our class section. Our discussions were super insightful and fun. I appreciate you being so understanding and flexible with our work and readings. It was SUPER helpful and I appreciate it.”

As you can see from these evaluations and letters of support, Graduate Assistants such as myself make a profound impact on our students and to the future of higher education in Hawai‘i.

For all my work and stellar reviews from my students — some of whom have gone on to become graduate students at the University of Hawai‘i themselves with my guidance — the poverty wages, poor working conditions, labor violations, and lack of effective grievance processes, have left me little choice but to go on a medical leave of absence for this Academic Year in order to recover from the mental and physical toll these exploitative working conditions have put on me. This leave of absence has slowed down my degree progress, and while I am able to recover my health in Thailand, where we have universal healthcare, the same cannot be said for the many domestic and international students who also faced health issues due to our poor working conditions. While I am choosing to return to the University of Hawai‘i this Fall and become a Graduate Assistant again, it is with the conviction and hope that I will return as part of a new collective bargaining unit which addresses the unique labor challenges that Graduate Assistants at the University of Hawai‘i face.

Mahalo,

Aree Worawongwasu, International Students Committee Co-Chair and Constitutional Revision Co-Chair of Academic Labor United.

HB-2720-HD-1

Submitted on: 2/12/2024 5:21:02 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB2720. Please pass this bill.

Mike Golojuch, Sr.

HB-2720-HD-1

Submitted on: 2/12/2024 5:58:16 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
GRIFFIN BRYCE WERNER	Individual	Support	Written Testimony Only

Comments:

I'm Griffin Werner, a Graduate Assistant (GA) with the Uehiro Academy for Philosophy and Ethics in Education, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/12/2024 6:39:35 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Nightingale	Individual	Support	Written Testimony Only

Comments:

I'm john, a graduate student TA from Geography and Environment and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain

HB-2720-HD-1

Submitted on: 2/12/2024 7:52:16 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Callie Stephenson	Individual	Support	Written Testimony Only

Comments:

My name is Callie Stephenson, I am a graduate student and research assistant at the Hawai'i Institute of Marine Biology, part of the University of Hawai'i at Mānoa. **I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.**

HB-2720-HD-1

Submitted on: 2/12/2024 8:29:49 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniela Escontrela	Individual	Support	Written Testimony Only

Comments:

I'm Daniela Escontrela Dieguez, a graduate student in the School of Life Sciences, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

Written Testimony for HB2720

Meagan Harden, PhD Candidate in Geography at UH Manoa

Aloha, and thank you for the opportunity to provide testimony in support of House Bill 2720 which would establish a collective bargaining unit for graduate students employed by UH.

During my first two years as a PhD student at UH Manoa, I worked as a Teaching Assistant. For four semesters, I provided TA support to a total of 400 students in World Regional Geography, 140 students in Geography of Japan, and 140 students in Geography of Hawaii. In this role, I was responsible for creating and evaluating assignments, providing personalized feedback and remediation plans, and even delivering lectures and creating course content to the nearly 700 undergraduates enrolled in these classes. These tasks are typical of the kind of work that graduate assistants provide at the University of Hawaii.

When my grandmother passed away from covid in 2020, I relied on the goodwill of my supervisor to attend her funeral. I was lucky to have a kind supervisor, not everyone does; I could have missed my only opportunity to say goodbye to my grandma alongside my family. a collective bargaining unit will make sure that situations like these, where TAs are dealing with very real and very personal problems, are navigated fairly and equitably.

When I changed health insurance coverage last year, it took three months for my employee health insurance paperwork to be properly processed. For three months, I had to put pressing health concerns on the backburner while I waited for reassurance that addressing my health wouldn't put me even further into debt. Again, a collective bargaining unit will help ensure that employees have avenues for support in situations like these.

I now work as a lecturer, which means that I have a TA assigned to me for support in my World Regional Geography class. As her supervisor, it's completely up to me to make sure that her work environment isn't hostile, unsupportive, or unsafe. My TA should have an entity that is not her supervisor looking out for her, and that avenue should be permitted and supported by the state that employs her.

It is already an exceptional privilege to pursue graduate studies, and the lack of basic worker's rights are making grad school even more financially exclusive. When my former students ask me to write them letters of recommendation for grad school applications, I feel obligated to warn them that it's precarious out here. The state of Hawai'i needs to support TAs, so that we can continue to support our students. Thank you.

HB-2720-HD-1

Submitted on: 2/12/2024 8:41:27 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Brenes	Individual	Support	Written Testimony Only

Comments:

I'm Brandon, a graduate student from Oceanography department of UH, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain

HB-2720-HD-1

Submitted on: 2/12/2024 9:02:28 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Faizah Shyanguya	Individual	Support	Written Testimony Only

Comments:

I'm Faizah, a graduate assistant from UH Mānoa, and I support revising HB2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/12/2024 9:28:54 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

I am in full support of HB2720 HD1. This is LONG overdue.

The Hawai'i Labor Relation Board and the Hawai'i Supreme Court have ruled and upheld that graduate students are employees. There should be no further discussion needed.

Graduate students have the same right to collectively bargain that any other group of workers has, period.

HB-2720-HD-1

Submitted on: 2/12/2024 9:49:46 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn	Individual	Comments	Written Testimony Only

Comments:

I'm Carolyn, a graduate student and GA from the Linguistics Department, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/12/2024 10:27:21 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauryn Pisciotto	Individual	Support	Written Testimony Only

Comments:

I'm Lauryn Pisciotto, a graduate student from the UH Manoa Oceanography Department, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain

HB-2720-HD-1

Submitted on: 2/13/2024 1:16:46 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tatsuki Kohatsu	Individual	Support	Written Testimony Only

Comments:

I am Tatsuki Kohatsu, a graduate student from Department of Geogprahy and Environment, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

Chair Amy Perruso
Vice Chair Jeanne Kapela

House Committee on Higher Education & Technology

Wednesday, February 14, 2024
2:00 PM

**TESTIMONY IN SUPPORT WITH AMENDMENTS OF HB2720 HD1 RELATING
TO COLLECTIVE BARGAINING**

Aloha Chair Perruso, Vice Chair Kapela, Members of the House Committee on Higher Education & Technology,

My name is Jun Shin. I am a service worker as well as a labor and social justice activist, testifying as an individual in **SUPPORT WITH AMENDMENTS** of **HB2720 HD1**, Relating to Collective Bargaining.

Graduate assistants were some of the best instructors I ever had during my time at the University of Hawai‘i at Mānoa as an Ethnic Studies and American Studies double major. I had several classes where a graduate assistant was either the primary instructor or taught alongside the professor. As instructors who were working towards completing higher education related to those classes, I really learned a lot and deeply appreciated their passion and dedication. Those same graduate workers were willing to serve as tutors, helping me when I struggled with class or had questions. I also found them to be very understanding and empathetic when I had to deal with life’s curveballs, given that they were also students and/or were closer to us in life experience.

Graduate assistants like my instructors are fundamentally important to the University of Hawai‘i and its community colleges. They are instructors, tutors, researchers, administrative assistants, even unofficial counselors and so much more, forming the backbone of Hawai‘i’s higher education system. Like all workers, they deserve respect on the job and should not be scraping by and struggling to barely survive while working and studying. **Graduate assistants have been putting in the work of building their union for years now and need your support to officially form their own collective bargaining unit as public workers. Please AMEND House Bill 2720 to a version that upholds the constitutional right of graduate assistants to collectively bargain.**

I support the establishment of a separate collective bargaining unit, Unit 16 for graduate student workers for these reasons:

1. Graduate student workers cannot be categorized into either just instructional (Unit 7) or just administrative, professional, technical, or scientific (Unit 8 & Unit 13). There are cases of overlap in specifications.
2. In the event that graduate student workers are placed under Unit 7, they would be in the same bargaining unit as their supervisors.
3. Unique among the University of Hawai'i and community college workplaces, the composition of the graduate student workforce will consistently change over time. That requires specific union representation.

A union will allow graduate assistants to have a vehicle to fight for higher wages and better benefits. It will allow graduate assistants to be able to have a protected voice in how their workplace, the University of Hawai'i is being run. It would create an avenue for graduate assistants to address critical issues in the workplace like equal pay, sexual harassment, abuse of authority, and discrimination in its many forms.

Please **PASS** House Bill 2720 HD1 out of your committee with **AMENDMENTS** and allow for graduate student workers to enter into workplace negotiations in equal footing with their employers.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-2720-HD-1

Submitted on: 2/13/2024 7:28:07 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Korey Wetherell	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Korey Wetherell and I am a GA at the University of Hawai'i at Manoa in the Department of Geography and the Environment and I am writing to you to express my support for revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. It is essential to allow Graduate Assistants at UH the ability to represent ourselves so we may secure self-representation through the creation of a new CBU; as essential members of the UH system and recognized state employees, we deserve the right to collectively bargain as outlined within the State Constitution and affirmed by both the Hawai'i Supreme Court and HLRB.

HB-2720-HD-1

Submitted on: 2/13/2024 8:00:51 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jack McKee	Individual	Support	Written Testimony Only

Comments:

My name is Jack McKee, I'm a research assistant at the mathematics department at the University of Hawai'i writing in support of HB2720 without the recent amendment.

I live on Dole street, less than a block from the university. Like many of my peers, I live in substandard housing that is not up to building codes, with roommates. Before my girlfriend moved in, even my small hotbox of a room was eating up almost half of my monthly pay. Many of us are on food stamps. I manage food costs by making big pots of stew for the week.

Especially when adjusted for cost of living, UH has some of the worst pay for graduate assistants in the country, and there is almost no uniformity in the amount of work -- usually grading, teaching, programming, and other tasks unrelated to our studies -- that different assistants do. We are supposed to all do 20 hours per week but many people put in nights and weekends to get their work done. This is work that brings grant money and high reputation to the university and benefits the people of Hawai'i at large through education. I, for instance, have done much of the programming work on PISALE for the past few years, a project that has attracted millions in grant funding. This is all on top of being a PhD student, which is practically a full-time job in itself and is extremely stressful.

I came to grad school because I want to do something with my life. I want to contribute somehow to society as a scientist and as an educator. I moved here with the intent of staying and using my expertise locally. When we are paid like this, and can't meaningfully negotiate with the university to change it, we are basically being told that this dream is not valuable. I support this bill because it would give us a chance to change that.

Thank you for considering my testimony.

HB-2720-HD-1

Submitted on: 2/13/2024 8:35:45 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucie Knor	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Lucie Knor and I have been a Graduate Assistant (GA) at the University of Hawai'i with the Department of Oceanography since 2016. During my time at UH I have seen many of my brilliant colleagues struggle through and sometimes even fail at their studies because of the completely unregulated and therefore often abusive and exploitative working conditions they have faced as Graduate Assistants.

Graduate Assistants teach large classes, keep laboratories and complicated machinery running, design curricula, mentor students, manage toxic waste, and more. In my time as a research assistant I have led and participated in ship-based fieldwork to deploy, recover and maintain a total of seven 600lb moorings with 1500lb anchors that measure carbon dioxide in the water and air, contributing crucial data for research on ocean acidification and climate change impacts on coral reefs. This work is by no means part of my studies or training.

On January 4, 2024, the Hawai'i Labor Relations Board classified graduate assistants as public employees, with the constitutional right to collectively bargain. Finally, with this recognition, there is a path forward for graduate assistant unionization.

With union representation, my colleagues and I will no longer be unsure of how many hours a week we can be expected to work as a GA. In the beginning of my studies, I was told that "it says 20 hours, but it's really way more", and the expectation is that GAs work well over 40 hours in most cases. This is particularly harmful for international students on F-1 visas like myself, whose immigration status is directly tied to our employment as a GA. In many cases, our supervisors are thus our employers, mentors for our studies, and in control of our immigration status in the United States. This extreme power differential leaves GAs vulnerable to exploitation and harassment, with few options for recourse if we feel our rights have been violated. I have witnessed a colleague of mine get blacklisted from teaching in our department by her thesis supervisor, just because she decided to pursue her degree with a different professor, leaving her scrambling for financial security. I've seen multiple colleagues who have been sexually harassed by their superiors stop coming to campus to avoid running into their harasser, while there were no consequences for the perpetrator. These behaviors are already illegal and classified as transgressions based on current university policy, but the truth is that it is very hard for GAs to protect ourselves from retaliation if we speak up. Union representation through

grievance processes and a contract that explicitly states our responsibilities and rights are the only remedy for this dire situation.

The whole time I've spent at the University of Hawai'i, GAs have organized relentlessly as Academic Labor United to gain recognition as public employees, and to build our own union from the ground up. I do not support the current amendment of HB2720 that excludes us from the newly created bargaining unit, purportedly to give us time to get ready for bargaining. We are ready, and it's not up to legislators to decide whether or not we "deserve" the constitutional right to collective bargaining – the HLRB has reaffirmed that right for us. Despite the fact that ALU currently has no dues, no paid staff or official status, we have already negotiated with UH administration to implement the first sick leave policy for Graduate Assistants, as well as pay raises. During the first few months of COVID-19, we organized a hardship fund for students that was up and running months before the official University fund. Last fall, we organized an affiliation vote amongst our members, who after careful consideration chose to affiliate the largest union in the United States, the National Education Association (NEA). They are now a great ally and resource for us. We already have a constitution, and are working on revisions of that constitution with member participation. I believe that our organization is ready to take on the task of contract bargaining for our membership, and that the rulings by the Hawai'i Labor Relations Board and the Supreme Court have shown that our status as public workers is out of the question. Please stand with us at this historic moment that graduate students have worked for since the 1970s, and revise HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

Mahalo,
Lucie Knor

HB-2720-HD-1

Submitted on: 2/13/2024 9:05:00 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Faccenda	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2720 creating a new collective bargaining unit for Graduate Assistants (GAs) at the University of Hawai'i system (UH). Now that the Hawai'i Labor Relations Board has declared the GAs are UH are public employees under Chapter 89 of HRS, we must be placed in a collective bargaining unit. Unfortunately, none of the existing collective bargaining units meet the needs of GAs. For example we do not want our paycheck to go towards retirement, nor do our grievances with UH have much overlap with other existing units.

I am a GA at UH where I have been working for the past 4 years. This position is far more work than it is to study and we would do best to negotiate with UH directly, without the needs of other bargaining units interfering.

Thank you for your consideration,

Kevin Faccenda

HB-2720-HD-1

Submitted on: 2/13/2024 9:16:07 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alia Jeraj	Individual	Support	Written Testimony Only

Comments:

Aloha kākou,

My name is Alia Jeraj and I'm a graduate student worker at the University of Hawai'i at Mānoa. I'm writing in support of revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

University representatives themselves have admitted in senate hearings that the university would not run without the labor of graduate student workers. The supreme court has declared us public employees. There is no reason we should not be able to exercise our right to collectively bargain.

Mahalo nui for your time and support,

Alia

HB-2720-HD-1

Submitted on: 2/13/2024 9:53:23 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hla Moe Tara Hlaing	University of Hawaii at Manoa	Support	Written Testimony Only

Comments:

“I’m Hla Moe Tara Hlaing, a graduate student and GA at the Ethnic Studies Department and I support revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain”.

HB-2720-HD-1

Submitted on: 2/13/2024 10:00:07 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Gabriel Lingal Cosme	Individual	Support	Written Testimony Only

Comments:

I'm Paul Gabriel Lingal Cosme, a GA from the UH Music Department, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 10:00:39 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie Dossett	Individual	Support	Written Testimony Only

Comments:

I'm Stephanie Dossett, a graduate student TA from Linguistics, and I support revising HB2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

Mahalo nui

HB-2720-HD-1

Submitted on: 2/13/2024 10:00:45 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jie Lin Chia	Individual	Support	Written Testimony Only

Comments:

I'm Jie Lin Chia, a graduate student from the Anthropology department of UH Manoa, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 10:36:07 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Mark Alexander	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Jason Mark Alexander. I have served as a Graduate Assistant for 2.5 years and am a PhD candidate at the University of Hawai‘i. I strongly support HB2720 with new amendment to instantly uphold the constitutional right for all 1,500+ Graduate Assistants in the UH system to collectively bargain, **without** gatekeeping via requiring a new HLRB petition. As a 6th year PhD student in Sociology and a worker, I am specializing in conflict transformation and ways state administrators should care about their constituents.

This bill integrates Graduate Assistants as a category of legitimate Public Employee into the existing systems of collective bargaining and negotiations to which we are entitled. Once this adjustment is made, with Bargaining Unit 16 specifically for the unique interests of research, clerical, and teaching work GAs perform at all hours of the day across the UH system, we can proceed as working adults in equal conversation with our employers, entitled to legal protections in negotiating workplace issues as we are living in and contributing to this state.

All of work in graduate school is done by people in their 20s, 30s, and older, with routine needs to support dependents and their own wellbeing while confronting the range of inequities of citizenship, race, gender, physical abilities, and generational situation. The decades-long denial of union rights is a shameful injustice by which UH can ignore the workers' situations. I have heard too many accounts from colleagues whose supervisors essentially interpret the bare-bones GA contract freely, with no oversight from department and college level administration because the short-term work demands override the welfare of the graduate assistants doing the work. I am attaching an anonymized version of my own GA contract; it is vague in oversight of supervisor decisions, contains no benefits, and was not updated and reissued when sick leave and salary adjustments were instituted in August 2022, so I have no contracted guarantee of these changes for my specific position, and has been a source of anxiety. Can you imagine having to work 60 hours per week, even though the contract sets a limit of 20, with no overtime pay? This is what happens at UH for many workers. There is a spiritual drain that comes from seeing your supervisor monopolize your time, forcing you to stretch your academic degree progress by years. Conditions vary depending on the supervisor, but the issue of workers having no systematically ensured influence on conditions, while the number of open positions in one's area of expertise is limited, encourages the trend of exploitation to go unchecked. It feels coercive, and there's not even job security throughout an academic career under the current system of single-year contracts that do not automatically renew.

The University has not taken meaningful initiatives to understand workers' voices or incorporate our standpoints as both workers and students into the institutional priorities. In the new UH System Strategic Plan 2023-2029, approved on November 17 2022 by the Board of Regents, one of the four imperatives is to Meet Hawai'i Workforce Needs of Today and Tomorrow. The Goal is to "Eliminate workforce shortages in Hawai'i while preparing students for a future different than the present," with primary metrics being the number of shortages and of number of students learning career skills. Nowhere in this framing is a consideration of the positionality of the thousands of students enrolled at UH who are also employees of UH during that period, nor the health and motivation of these workers even if they find a job, which is a crucial determinant of the very shortages the state is facing as people leave in disgust over employers' humiliating contract conditions. In town hall forums on the strategic plan, I raised this issue of excluding university laborers from the workforce of the state, including the urgent need for collective bargaining rights to help the university community as a whole meet all its constituents labor goals holistically. Disappointingly, as I see the exclusion of this consideration from the plan's structure and President Lassner's empty promises, it is crystal clear that UH administration is not going to seriously consider contract negotiations until this legislature passes this bill I testify on now. There won't be any meaningful workplace reform or pathways of discussion over issues until we establish them with everyone at the table.

I routinely feel obligated to warn enthusiastic professionals, potential arrivals to the UH system, that they can easily be placed at high risk of being exploited with no recourse to protect their health other than leaving the UH system itself. And they already know that, because so many other universities are more attractive to work at with established non-faculty unions giving people living wages and senses of safety in work environments. The conspicuous lack of a union, not just for graduate assistant workers but also for lecturers and undergraduate students, is causing a brain drain of people currently enrolled as living costs and workplace stresses increase. It particularly blocks out people without financial and social wealth and safety nets, as well as international students from all over the globe as visa conditions further limit what workers can do to survive the slippages between the unilaterally imposed contracts and reality.

As workers for a public employer, all GAs deserve the right to collectively negotiate their contracted working conditions to determine the quality of their lives, their health, and the well-being of their communities in Hawai'i. I urge you to listen to the voices of GA workers struggling with poverty wages, supervisor abuse, and other grievances. Please pass HB2720 with amendments to enable workplace negotiations that will find resolutions to these issues, and stop excluding this category of workers from this right.

HB-2720-HD-1

Submitted on: 2/13/2024 10:39:14 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Imaculata kurniasanti	Individual	Support	Written Testimony Only

Comments:

My name is Imaculata Kurniasanti, a graduate student in Social Work at UH Manoa. I am a student worker at the Center for Southeast Asia Studies. I support HB2720. I do believe student union will help us to get same rights like other workers. I am a woman who has uneasy period every month. I have to take a sick leave at least 2 days. But as a graduate student worker, I don't have a sick leave. I really appreciate Student Union that always trying to ensure my well-being. As a mother of 5 years old daughter, I have to support my daughter. Having proper salary will increase my well being. I know student union will be the place for me to share my struggle with other student workers who may encounter similar experiences. Student Union is not only a place for me to speak up my voice. Student Union is also a support group by students for students to achieve education success.

HB-2720-HD-1

Submitted on: 2/13/2024 10:40:08 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Olivia Meyer	Individual	Support	Written Testimony Only

Comments:

My name is Olivia Meyer, and I am a UH graduate worker from the Department of Geography and Environment. **I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to bargain collectively.**

I came to graduate school to pursue a career in research and teaching on pressing environmental issues. I have been at UH since 2021 and received several large grants, including a fellowship of \$35,000 that raised UH's status and recognition nationally. Beyond metrics officially recognized by the university, I have worked hard to build community within my department, in my international and Southeast Asian studies community, and beyond the university by getting involved with local environmental justice and labor issues.

While I love my research, professors and mentors, student mentees, and peers, I also want UH to be a better place for all of them. During my studies at UH, I have witnessed students experience extreme workplace abuse and injustice. My friend experienced repeated verbal abuse from her supervisor, but her entire funding position relies on maintaining the relationship. Many friends work multiple jobs to afford even the necessities of living in Hawai'i. Numerous friends have been unable to seek justice through the Title IX process and remain disempowered by university procedures. I have talked to many Graduate Assistants (GAs) who consistently work double the hours of their contractual obligations. Our entire community suffers when we are not able to support one another. A harm for one is a harm for all.

At my master's institution in Kentucky, Teaching Assistants in my department make roughly the same amount of money as they do at UH. While neither is remotely sufficient, the difference is the cost of living. They live in one of the most affordable states, while Hawaii ranks in the top-most expensive (US News & World Report). GAs completing a Ph.D. (which typically takes five years or more) received a guarantee of at least three years of funding, whereas here, students receive no such guarantee. Ph.D. students are often offered a single-year contract while others arrive with no funding but with the supposed promise of abundant GA-ships that can take months or multiple semesters to materialize. GAs at my master's institution have their student fees entirely waived, while UH GAs pay almost a thousand dollars per year out of their paychecks to cover these fees. These experiences have shown me that we do not need to accept the conditions at UH.

As a former union organizer in Kentucky, I also have seen the willingness of GAs to pay dues even in a right-to-work state. ALU is equipped and ready to receive recognition and go to the

bargaining table. Upon receiving recognition, we are ready to collect dues. **ALU currently operates without a single paid staff member.** ALU **already** redistributes funds through the COVID hardship funds, paying out of pocket for food at union events and sharing tips on accessing food stamps and health care. **We redistribute our labor by advocating for one another and providing emotional support when the structures of UH continually let us down.** Our support keeps students from dropping out of their programs entirely. Dues are not a problem- GAs already support one another when UH does not. We deserve a union.

GAs are public employees, as classified by the Hawai'i Labor Relations Board. We deserve the right to collectively bargain and to take ownership of our contract negotiations. We hope the legislature will grant us this opportunity to do what many other unionized graduate assistants across the US have been doing for the past 50 years. I appreciate your consideration.

HB-2720-HD-1

Submitted on: 2/13/2024 10:40:55 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashley Clark	Individual	Support	Written Testimony Only

Comments:

I'm Ashley Clark, a graduate student and research assistant in the department of Geography, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate students to collectively bargain. I'm one of the most expensive places to live in not only the country but the entire world, it is only fair for student-workers to be paid a living wage and be protected in their workplace with legal rights and recognition.

HB-2720-HD-1

Submitted on: 2/13/2024 10:46:58 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wiwik Dharmiasih	Individual	Support	Written Testimony Only

Comments:

I support HB2720 in its **original** form

HB-2720-HD-1

Submitted on: 2/13/2024 10:51:04 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gillian Sawyer	Individual	Support	Written Testimony Only

Comments:

I'm Gillian, a GA from Linguistics, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 10:51:40 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Olivia Jarvis	Individual	Support	Written Testimony Only

Comments:

To the Members of the Committee on Higher Education and Technology,

My name is Olivia Jarvis, a graduate student at the University of Hawai‘i at Hilo. I live in Hilo and am represented in the House by Rep. Richard Onishi and Sen. Lorraine Inouye in the Senate. I’m writing in support revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

I’ve been a student at UH for the past six years and in my second year of the Tropical Conservation Biology and Environmental Science (TCBES) Graduate Program. To support myself through graduate school, I’m also working as a graduate teaching assistant for the Geography and Environmental Science Department. I assist two courses in geographic information systems by holding office hours for students, grading assignments, and maintaining the student computer lab by updating and licensing the softwares. Some of my hours are also dedicated to supporting the TCBES program by promoting seminar series talks, managing department vehicle rentals, writing the semesterly newsletter, editing the program website, and maintaining the program email. This position allows me to work 20 hours a week, but sometimes I work beyond these hours to keep up with the work that needs to be completed. To fulfill my degree requirements, I am taking courses and working on my thesis project that is focused on detecting invasive species in aerial imagery using machine learning. My work is helping biocontrol efforts to reduce the spread of invaders and protect native ecosystems. Despite all this hard work in and out of the classroom, other graduate assistants and myself often find it difficult to manage living in Hawai‘i on our current UH salaries.

This bill opens a pathway for graduate student workers like me to address these concerns by creating a bargaining unit for us, so we can finally directly bargain with our employers, the State of Hawai‘i and the Board of Regents, to improve our living and working conditions. On January 4, 2024, the Hawai‘i Labor Relations Board classified us as public employees, with the right to collectively bargain. We believe that the best path forward is for us graduate student workers to take ownership of our contract negotiations. We hope the legislature grants us this opportunity to bargain for our rights, similar to how our counterparts in the continent have been doing so for the past 50 years. Thank you for your consideration.

HB-2720-HD-1

Submitted on: 2/13/2024 10:55:10 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Meyer	Individual	Support	Written Testimony Only

Comments:

My name is Andrew Meyer, I am a PhD Candidate in Physics at UH Manoa. I'm writing in support of revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. to give graduate student workers of the UH System a collective bargaining unit.

Graduate students have struggled for decades with being paid at a level far too low to be able to afford living in Hawai'i while having little to no recourse for dealing with poor and abusive working conditions. With HLRB recognizing us as public employees, we now need to be granted our own collective bargaining unit so that we may redress these concerns, as our graduate counterparts on the mainland have been doing for around 50 years.

Thank you for your consideration.

HB-2720-HD-1

Submitted on: 2/13/2024 10:56:14 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marina Karides	Individual	Support	Written Testimony Only

Comments:

Aloha,

"I support HB2720 in its **original** form." The labor that graduate students provide is comparable to the work that faculty complete as state employees. To seek to not address them as a category of state employees counters the logic of understanding the enormous service that these students provide to Higher Education broadly and the State of Hawai'i specifically.

Moreso, many of these students based on data collected through an NSF grant (Award Number:1725604) is that many of these graduate students remain in Hawai'i. Therefore recognizing them as employees as they work and study at our public institutions establishes a pattern for successful careers in which labor is recognized and our state and community can thrive.

mahalo,

Marina Karides

HB-2720-HD-1

Submitted on: 2/13/2024 10:56:40 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lehua Matsumoto	Individual	Support	Written Testimony Only

Comments:

My name is Lehua Matsumoto, I am a graduate student worker in the Department of American Studies at the University of Hawaii at Manoa, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

I am a second year graduate student, and I have led undergraduate discussion sections for two different classes, coming up with entertaining ways for students to engage with the material and ensuring that they are learning something from our coursework. In the last year, I have worked with our department as an Editorial Assistant for American Quarterly, ensuring that our department maintains its exemplary status within the field of American Studies.

I support revising HB 2720's current amended form because I know that the stress of graduate school should not be compounded by the stress of unforgiving labor practices and expectations, including an overwhelming workload, insufficient pay, and employment uncertainty, and collective bargaining is a powerful method of ensuring that will not happen. This bill will allow grad students like myself to address these concerns and communicate directly with our employers, the State of Hawaii and the Board of Regents, to improve our living and working conditions.

I hope the legislature grants us this opportunity to bargain our rights, similar to how other graduate student organizations on the continent have been doing so for the past 50 years.

Thank you for your consideration.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Higher Education and Technology

Testimony by
Hawaii Government Employees Association

February 14, 2024

H.B. 2720, H.D. 1 — RELATING TO COLLECTIVE BARGAINING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO wishes to provide comments on the purpose and intent of H.B. 2720, H.D. 1 which establishes a collective bargaining unit for graduate assistants employed by the University of Hawai'i and community college system.

In-light of the recent Hawaii Labor Relations Board decision, we find it necessary and appropriate for this group of employees to establish **their own** bargaining unit so that they can bargain collectively, just like many other public employee groups.

Thank you for the opportunity to provide comments on H.B. 2720, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-2720-HD-1

Submitted on: 2/13/2024 11:03:40 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaiqing Su	Individual	Support	Written Testimony Only

Comments:

My name is Kaiqing Su. I am a Graduate Assistant at the Political Science Department at UH Mānoa, and a first-year student studying the politics of infrastructure in the Pacific. I am also an international student coming from Guangzhou, China. And I feel extremely grateful for the opportunity to pursue my passion and study in Hawai'i. I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. As an international student worker, I am disadvantaged in the workplace due to my citizenship and visa status. Joining a legally recognized union is one of the few rights we have to protect ourselves. Delaying our right to collectively bargain makes our conditions in the U.S. even more unsustainable.

International workers like me often face unique challenges. In my first year at UH as an MA student, I had the opportunity to get a GAship outside of my department in Political Science. Because of the limited venue of income (i.e. this part-time GAship is the only job we can take, and any other jobs will be illegal under our student visa status), I especially cherish this GAship. Since this was my first GAship, I didn't know what to expect, how to negotiate, and how to keep my boundaries. My eagerness to do my job well and the fear of losing it also made me vulnerable when my supervisor made requests such as working after hours, even after midnight. Sometimes I was handed tasks that I was capable of doing but weren't listed in the job descriptions, such as TAing a class that was outside of the College of Social Sciences (i.e. outside my own expertise). I lost control of my time and got extremely anxious whenever a task was assigned to me. I wasn't able to do well in my school work and was always near the edge of an emotional breakdown. I couldn't address this directly to my supervisor because I sincerely respect them and support their work as a student, but I didn't know how to confront them as an employee. It wasn't until my friend who was also an international GA noticed how unwell I was doing that I realized I shouldn't be taking all the blame, and I have the right to say no to unreasonable asks. I realized how important it is to have a community of workers together, to share our stories, to heal, to support each other, and to see the blind spots that are unacknowledged because we were immersed in unhealthy relationships and feeling utterly alone. I also wish I had learned how to negotiate my job expectations and communicate my needs instead of relying on the mercy of individual Supervisors.

In 2023, when I was deciding between two PhD programs--one at the University of Minnesota, the other here, at UH Mānoa--I almost chose the former, because the University of Minnesota has a guaranteed funding of 5 years (instead of having to apply for GAship and be sacred of job instability every year), and their graduate students were just freshly unionized. But I decided to

stay. Not only because I appreciate intellectual discussion, the educational environment, community in Hawai'i, but because I am committed to building a union for fellow UH GAs, and in the future, hopefully, lecturers and post-docs. All of us made the economically unwise decision to be here because we are passionate. After all, we want to foster something beautiful together. We are not alone, and we are determined to get our union together. Please make our decisions worth it.

In the past few months actively participating in Academic Labor United as part of the Executive Committee, I felt both challenged by the vision of unionization and nourished by my fellow workers who are fighting together. We all believe that only by having a union and our own bargaining unit that our studies can really excel and our potential to contribute to the university can be maximized. We greatly appreciate the opportunity for this hearing, and we urge you to give GAs an opportunity to collectively build a better future. Mahalo nui loa.

Respectfully,

Kaiqing Su

HB-2720-HD-1

Submitted on: 2/13/2024 11:07:35 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jocelyn B Brody	Individual	Support	Written Testimony Only

Comments:

My name is Jocelyn Brody, I'm a PhD student in American Studies, and I'm a Teaching Assistant for a class called American Studies 220, Intro to Indigenous Studies. I live in Kapahulu right near the Leonard's and my senator is Les Ihara, Jr. and my House Representative is Bertrand Kobayashi. I am writing in support of HB 2720's and I support revising HB2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

I am a first year PhD student and working hard to start publishing, to go to my classes, to apply to conferences, and to work as a teaching assistant. I worry that because of how little I make as a teaching assistant I will have to take on another job to make ends meet which would mean slowing my progress towards my degree. I currently have 37 students that I'm working to grade, instruct, and support, last semester I had 40. This means that I'm working really hard for the University but not making enough money to support myself. Collective bargaining for me is not just about a pay raise, it's about our constitutional rights and it's about our ability to come together to have all of our needs met and our voices heard in the work that we do for the University.

HB-2720-HD-1

Submitted on: 2/13/2024 11:11:43 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michol Miller	Individual	Support	Written Testimony Only

Comments:

My name is Michol Miller and I am a graduate assistant for the Second Language Studies Department at UH. I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 11:26:35 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
teri skillman	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Perruso, Vice Chair Kapela, and Higher Education and Technology Committee Members,

My name is Teri Skillman and though I am employed at UH Manoa, I am submitting testimony as a private individual. I received my M.A. and Ph.D. from UHM. During both degrees, I worked as a graduate assistant and as a teaching assistant in several capacities such as managing an Archive and an Instrument Collection, covering a faculty member while on sabbatical, developing PR for the department programs, and assisting with grant writing for outreach that was awarded SFCA Biennial grant.

I write in full SUPPORT of ALU's efforts to unionize graduate students employed at the University of Hawai'i at Manoa. I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

The GA salaries are 50% FTE and are low in comparison to other universities as the cost of living in Hawai'i. A fair living wage is an issue for all State employees. GA salaries are paid with STATE funds and receive health insurance which in my mind means that they are state employees. When I was a GA, I was also a single parent, raising my daughter on my own, taking graduate-level classes, and either teaching a course on my own or assisting the professor as a teaching assistant.

Please pass HB2720 HD1. I stand in full SUPPORT.

Mahalo nui,

Teri Skillman

HB-2720-HD-1

Submitted on: 2/13/2024 11:28:32 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sophia Somerscales	Individual	Support	Written Testimony Only

Comments:

My name is Sophia Somerscales, I'm a graduate student worker and I support HB2720 in its **original** form.

HB-2720-HD-1

Submitted on: 2/13/2024 11:53:58 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily West	Individual	Support	Written Testimony Only

Comments:

To the members of the Higher Education Committee,

My name is Emily West, and I am an assistant professor at the University of Hawai'i at Manoa. I am writing to express my strong support for revising HB2720's current amended form to one that upholds graduate students' constitutional right to collectively bargain. As a professor, I know how essential graduate students are to my students' education and to the university mission as a whole. Though graduate students do crucial work every day, they are not compensated appropriately, and many of the students I work with struggle to survive on poverty wages. Graduate students deserve a livable wage, and they deserve the right to organize their workplace so that they can negotiate with their employer to improve these exploitative working conditions. Thank you for considering this important bill.

Sincerely,

Emily West

HB-2720-HD-1

Submitted on: 2/13/2024 12:00:19 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Lewis	Individual	Support	Written Testimony Only

Comments:

I support HB2720 in its original form. The HLRB ruled graduate students are public employees therefore the current amendment is unconstitutional.

HB-2720-HD-1

Submitted on: 2/13/2024 12:06:41 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abigail Hawkins	Individual	Support	Written Testimony Only

Comments:

My name is Abigail Hawkins, I am a graudate student worker, and I support HB2720 in its **original** form.

HB-2720-HD-1

Submitted on: 2/13/2024 12:11:19 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victoria Assad	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Victoria Assad, I live in Palolo Valley and am a Ph.D. candidate in Oceanography at University of Hawai'i at Manoa. I'm writing in support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

For the past four years I have been a Graduate Assistant at UH, first as a Research Assistant and as of Fall 2023 am a Teaching Assistant for OCN 201 "Science of the Sea". As a TA I run a 3-hour lab every week. During which I prepare a short lecture, demonstrate the lab activities, assist students through the lab itself, and then grade lab workbooks as well as weekly quizzes.

Additionally, I lead discussion sections for the lecture course, this includes grading pre- and post-discussion assignments, and a short lecture at the beginning of class. I am also often the point of contact between the students and the lecturers. My TA position is paid for 20 hours of work per week, but I often work beyond these set hours, and yet I am ineligible for any overtime pay. I love my students, and I love my job, but it does not support a stable life on the island.

Additionally, to fulfill my degree requirements I am working on research that is focused on establishing a community baseline in an area that is currently allocated for deep-sea mining in the Eastern Tropical Pacific ocean. My work provides crucial community information that will influence regulations on the **international** level as it is the **first** study of its kind and regulations regarding deep-sea mining have yet to be completed.

Despite all my hard work and labor that I provide the University as both a TA and researcher, I often find it difficult to manage living in Hawai'i on the salary provided by UH, where I spend ~60% of my monthly salary on bills alone, and after gas and grocery expenses, often have less than 10% leftover at the end of the month. This is impossible to live on if any emergencies come up. Between 2021-2022 I had three ER visits that amounted to thousands of dollars worth of medical bills, if not for the hospital's financial relief application, I would have been unable to pay those bills off of my current salary.

Additionally, in summer 2022 my father passed away, as my younger sister was only 12 days away from graduating college, my older sister estranged from him, and my parents divorced, I was responsible for the majority of memorial and burial expenses. Additionally, I had to navigate healthcare changes, phone bill changes, etc. and support my younger sister with that along the way. My research assistant salary at the time did not support me enough to pay any of these bills.

This experience cost a large portion of my savings, and has left me with little left to support myself in case of other emergencies, as my current TA salary does not allow me to put much of anything away for a 'rainy day'. This should not continue happening. No person, graduate student or not, should have to drain their savings to bury their parent, especially when working 40+ hours a week. I have found myself having to sign up to pet-sit as a way to make ends meet, however as this is a 'gig' job it is not consistent and due to my degree and teaching commitments, I can only take so many jobs a month. For reference, my TA salary is \$17,000 below the annual recommended living wage in Hawai'i for a single person with no dependents.

This bill opens a pathway for graduate student workers like me to address these concerns by creating a bargaining unit for us, so we can finally directly bargain with our employers, the State of Hawai'i and the Board of Regents, to improve our living and working conditions. On January 4, 2024, the Hawai'i Labor Relations Board classified us as public employees, with the right to collectively bargain. We believe that the best path forward is for us graduate student workers to take ownership of our contract negotiations. We hope the legislature grants us this opportunity to bargain for our rights, similar to how our counterparts in the continent have been doing so for the past 50 years. Thank you for your consideration.

Victoria Assad

HB-2720-HD-1

Submitted on: 2/13/2024 12:20:06 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jordan Kapon Nakamura	Individual	Support	Written Testimony Only

Comments:

My name is Jordan Nakamura and I support the students asking to revise HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. Failure to allow graduates this right delays the opportunity for graduate student workers to get proper protections they need and in turn this affects UHM's reputation, enrollment and basic student learning conditions that are expected of a quality university. Mahalo.

Aloha and terveh. My name is Sara Maaria Saastamoinen, and my pronouns are she and they. I am a Ph.D. student in Political Science in my third year as a student and graduate worker at the University of Hawai'i at Mānoa. I live here in town in Ala Moana, and I am the constituent of Senator Sharon Moriwaki in the Senate and Representative Scott Saiki in the House.

As a graduate student worker, I **fully support House Bill 2720** for our right as workers to collectively bargain in accordance with the Hawai'i Labor Relations Board determination last month. **I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.** I urge you to join me with your unequivocal support.

For decades graduate students have been denied by the State of Hawai'i our right to collectively bargain our contracts. This impacts not only us graduate students but also the future leaders we educate, so supporting graduate workers should be one of the most crucial issues for this legislature. This academic year alone, I am teaching more than 45 undergraduate students who will be the leaders of Hawai'i.

For the past four semesters, as the sole instructor who entirely devises her own curriculum, I work for the state by selecting thought-provoking readings and creating accessible and engaging assignments, by solely grading all students' in-class and written assignments and providing robust written feedback, by devising lectures and in-class activities to help students both digest and weave connections between selected course materials and the real-world issues we face in Hawai'i and globally, and by fulfilling numerous other responsibilities expected of faculty, such as participating in surveys to secure funding for UHM through grants, writing reference letters for students to study abroad programs, graduate school and other degree programs, jobs during and after college, and more.

Here are some snippets of my students have to say about my teaching:

- "Best instructor I've had so far. She was passionate about things and always made sure there was respect in their classroom. She was very clear on assignments as well as very understanding to the workload we had from other classes. They did a great job structuring this class."
- "Excellent mind-opening course that had me grow so much academically and in my general thinking of the world. As an added positive note Sara Saastamoinen is the best professor I have had in the whole past two years I have been in college! She had very extensive knowledge about the topics covered in the class as well any other topic brought up. She was very good at giving detailed feedback and really seemed as if she was there to help all the students succeed and grow!"
- "A lot of professors say that they don't want their students to fail and she proved it, she listed everything out in a very long and descriptive syllabus. She changed lesson plans to better accommodate us and help us with our final projects (ex: she implemented

writing workshops... She went out of her way to give us opportunities in our own interests outside of class. I could not have asked for a better professor.”

- “I believe Sara did a good job furthering and challenging students’ thinking and from what I have heard other students say, this class has changed the way we think about water and our relationality. I felt like Sara cared more about what the students wanted out of the class and how we learn best than what I have experienced from other instructors.”
- “Sara is incredible, literally one of the best if not the best teacher I have ever encountered. I cried to my mom after going to office hours one day because of how incredible she is.”

For all of this work and even with rave reviews from students, the state pays me poverty wages. The state is not even paying me half of what a living wage is for Honolulu County. As the instructor of your children, your future leaders, I make \$22,000 a year: to pay rent, to cover utilities, to feed myself, not to mention healthcare, clothing, or any paid time off to get to rest.

So, I work other jobs — on top of teaching and being a student myself — to make ends meet. And, even without being paid a living wage by the university, I work to support it financially. Over the last three semesters alone, I brought in thousands of dollars of funding for my department’s programming, specifically to put on talks with distinguished academics, political leaders, and organizers from around the world.

We should be supporting those who are cultivating our brightest minds, instead of leaving teachers to struggle every month to make ends meet. As public employees, we deserve to form a union to collectively bargain for working conditions that are fair, equitably, safe, healthy, and which serve the future of Hawai’i—not its underpaid and overworked past.

Without us, the University of Hawai’i would not have the world-class teaching and research that it is known for; without us, the State of Hawai’i would not have a Research One institution to call its own. I ask you to **pass HB 2720 urgently** and to listen to the voices of Graduate Assistants who have been fighting for years to secure our right to unionize. Mahalo nui and passibo.

HB-2720-HD-1

Submitted on: 2/13/2024 12:37:49 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rajan Sawhney	Individual	Support	Written Testimony Only

Comments:

I, Rajan Sawhney, a graduate student and Research Assistant in the Information and Computer Science Department at the University of Hawai'i, support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain

HB-2720-HD-1

Submitted on: 2/13/2024 12:41:19 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Miles Drazkowski	Individual	Support	In Person

Comments:

I'm Miles Drazkowski, a TA from the Civil, Environmental, and Construction Engineering department, and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

I count myself fortunate to stand with my peers as a graduate student worker. As such, there are a multitude of reasons why I think this bill deserves your support and attention.

Whether it is simply that as public employees it is our right to collectively bargain, or whether it is the fact that our contributions are invaluable to not only the university, but academia, the intellectual future of our given fields, and our wider communities, or whether it is the direct effects that we will have on the lives of our students and colleagues, not to mention the lives of everyone that calls these islands home; we deserve better. We deserve our rights.

We have been asked, why make the choice to be a graduate student worker?

In my field of engineering, employment that would simultaneously offer me the flexibility and financial resources that could allow me to pursue a graduate degree, doesn't exist. Hence, I've sought employment as a Teaching Assistant.

In Fall 2023, out of the 1,536 graduate student workers, 579 were Teaching Assistants. If TAs average 20 students, that means around 11,600 undergraduates have been directly affected by our labor. The UH Manoa undergraduate population is approximately 14,500, that's almost 80% of the undergraduate population attending TA led classes. And that is only considering one class. In most cases, undergrads take multiple classes that are taught by TAs.

The students that we teach, the students that I teach, will wind up as the engineers in your Department of Transportation, your Board of Water Supply, your Clean Water Branch.

The benefits that [students and society reap](#) are, in large part, due to our labor. And yet, the compensation and working conditions offered to TAs has led to hiring shortages for example those in the Physics Department and School of Life Sciences. As a result, sections of required classes are canceled, student progress delayed.

And even still, I'm more privileged than most. I'm able to take on overload positions to augment my income despite which remains crucially and distressingly below a Honolulu living wage (MIT's published [living wage for Hawai'i](#) is currently at \$47,000)

I think that I have a pretty good imagination and yet, even I, can't imagine any valid argument that would preclude graduate workers from forming our own collective bargaining unit.

It is the moral imperative of any equitable society that workers be able to form a union and bargain for their collective welfare.

Any doubt of our ability to organize and to handle the challenge of unionization is unfounded as we have demonstrated time and time again our willingness and ability to organize. After all, we may be students but we are also working professionals. We make meaningful contributions to our respective fields and even prior to attending our graduate course of study, the majority of us have spent years employed in our fields.

Being able to collectively bargain in our own unit, will allow graduate workers to improve our living and working conditions. Inevitably, this will result in hiring from a more diverse and typically underrepresented background, bringing not only monetary value but intellectual and cultural contributions to the university and Hawai'i as a whole.

HB-2720-HD-1

Submitted on: 2/13/2024 12:54:21 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Beam	Individual	Support	Written Testimony Only

Comments:

My name is Tiffany Beam. I am a PhD student in Political Science and a graduate assistant that had taught 5 undergraduate classes in the department. I live in Makiki and am represented in the House by Rep. Andrew Takuya Garrett, and Sen. Carol Fukunaga in the Senate. I am writing in support of revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. It is imperative that there be a mitigation of delays in the creation of our own bargaining unit.

Given that we make up a significant portion of the teaching labor force, graduate working conditions directly correspond to the undergraduate student learning conditions at UH. When we are responsible for teaching multiple classes and sessions, without adequate pay and protections, our ability to foster the next generation becomes dubious. The quality of how we teach, facilitate class, hold office hours, grade, offer feedback, and support our students— the conditions of student learning— is at stake when we are exhausted, rushing to other jobs that help us make ends meet, or experiencing threats to our position. And yet, as evidenced by several other testimonies, graduate teaching workers are still motivated and excellent at what we do even under our existing conditions. Being an instructor gives me joy and purpose as it does for many of us. Imagine what we can bring to student learning and the reputation of UH when we have proper, safe, and supportive working conditions. As enrollment of undergraduate students increase, graduate student enrollment and our labor force becomes all the more critical. But grad student enrollment has been decreasing and that is due in large part to a lack of funding, a union, and the ongoing delay of amending this gap.

In 2021, when I was deciding between graduate programs — one at NYU and at UH Mānoa, I nearly chose NYU because its PhD students are funded for 5 years and were recently unionized. I was ultimately drawn to the reputation of UH’s professors, their course offerings, and the student culture of UH Mānoa knowing full well the precariousness I would face. I weighed the pros and cons, and chose UH with the resolve of having to fight for our rights and the well-being of future graduate workers. It has becoming increasingly clear to me that not everyone is able or willing to make this choice, even those born and raised in Hawai‘i and deeply desire to invest in Hawai‘i’s future.

This past month, I met with a graduate applicant born and raised on O‘ahu, with an ivy league undergraduate background and currently works in sustainable farming here. She applied to graduate programs at UH, NYU, Stanford, and Yale, and wanted to learn more about UH. It was clear her true desire is to stay home, learn from our reputable professors, and invest in Hawai‘i as

she pursues a PhD, but is weighed with uncertainty because of our graduate learning and working conditions. A lack of funding and a union is a serious factor in turning away bright and excellent students who could be enriching our public institution, our undergraduate student body, and Hawai'i at-large. Revising HB 2720's current amended form is crucial. Thank you for your time and consideration.

HB-2720-HD-1

Submitted on: 2/13/2024 1:15:40 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Pomaikaʻi Hennessey	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou, my name is Shannon Pōmaikaʻi Hennessey, and I am a Kanaka Maoli, first-year PhD student at UH Mānoa born and raised in Niu Valley, Oʻahu, represented by Rep. Mark J. Hashem in the House, and Rep. Stanley Chang in the Senate. Alongside studying and working in the Political Science department, I also serve as the Grievances Committee co-chair for the Academic Labor United. **I am writing in strong support of revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.**

Last September, less than a month into my new graduate program, I was quickly recruited as an Organizing Co-Chair of the College of Social Sciences. In the midst of so much of what has put ALU in a stronger position than ever before—an upcoming union affiliation vote and awaiting HLRB rulings and legislative hearings—any new ALU member might feel overwhelmed. For me, the overwhelm was present, but it was always supplanted by incredible support from other Executive Committee (EC) members, especially more senior members who have been involved in this present iteration of this struggle for nearly a decade. These fellow EC members, as well as rank-and-file members, clarified our efforts as a union, articulated my role, and empowered me to organize our college—particularly new members—to sign union cards, vote for our affiliation, and show up to events and actions like these. It is because of them that over 700 graduate students, 50% of total grad students, are active in ALU.

It is because of us, and our painstaking commitment to both our union and to caring for each other well, that we have created a space that not only recruits new members and officers like myself, but produces a sustainable legacy. After a semester as Organizing Co-Chair, I am now taking on the role of the Grievances Committee co-chair, under the great mentorship of the present co-chair, as she plans to graduate soon. As graduate students, we eventually do graduate and move on from ALU—meaning our situation is distinct from other bargaining units. The inherently transitory nature of a graduate worker union, then, requires the vigilance in sustaining our organization that we have already demonstrated, and also affords us fresh vitality and energy that I have personally experienced in the past semester.

This bill as it was originally written opens a pathway for graduate student workers like me to address our concerns regarding livable and fair wages, access to healthcare, and ability to address grievances by creating a bargaining unit for us, so we can finally directly bargain with our employers, the State of Hawaiʻi and the Board of Regents, to improve our living and working conditions. On January 4, 2024, the Hawaiʻi Labor Relations Board classified us as public

employees, with the right to collectively bargain. We believe that the best path forward is for us graduate student workers to take ownership of our contract negotiations. More importantly, according to the state constitution, we deserve the opportunity to exclusively bargain for our rights.

The graduate student workers of ALU are ready to unionize, we have been ready to unionize. We implore you to support us in this effort to make it so—not just for us, but for all future graduate student workers of Hawai'i.

Mahalo for your time.

HB-2720-HD-1

Submitted on: 2/13/2024 1:19:51 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Orillo	Individual	Support	Written Testimony Only

Comments:

As a graduate student at UH Manoa, I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 1:22:29 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Casey Brinkman	Individual	Support	Written Testimony Only

Comments:

Aloha, and thank you very much for the opportunity to submit testimony! My name is Casey Brinkman and I am a 6th year Ph.D Candidate in Astronomy at the University of Hawai'i. I am a graduate assistant and I support revising HB2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

In my time as a Ph.D candidate, I have been both a Teaching and Research assistant. I have been the solo instructor for laboratory classes, and I have published numerous papers/recieved awards that have brough attention to my Department's research. My fellow graduate students and myself are who keeps the University running. The University of Hawai'i loves to claim and celebrate their graduate students for the prestige we are able to bestow upon the University, but will not claim us when it comes time to recognizing what we do as labor. We are employees of the University who deserve the right to collectively bargain, just the same as any other state employee, as recognized by the HLRB on January 4th 2024.

The University often claims that we are only half-time employees and therefore our hourly rates are well above minimum wage--however our contracts state that we are forbidden from having a second job, meaning our graduate assistantship is our only source of income. Most of my peers in the Astronomy Department are struggling to get by financially, including myself. We qualify for SNAP benefits and need that assistance in order to feed ourselves. We are severely rent burdened, spending 60% of our income in rent on average (with extremely few options to do otherwise). So much of my mental energy is spent worrying if I'll be able to pay off my credit card this month, if I'll need to move again if my rent goes up, or if I can afford to buy lunch today--mental energy that I should be spending thinking about Exoplanets and writing my dissertation. The worst part of my story is that I belong to one of the highest paid departments at the Univeristy of Hawai'i, and the vast majority of my peers are struggling more than I am.

Passing this bill and allowing the graduate students to be able to collectively bargain for our contracts would give us the ability to improve these conditions. We are not asking for a perfect contract to be handed to us, but meerly for the opportunity to advocate for ourselves and to be able to achieve these goals through hard work. There is precident for this: roughly 120,000 graduate student workers were represented by unions last year across the country, and fourteen schools established graduate student unions in 2023 including Cornell, Stanford, and University of Chicago. I urge you to vote yes on HB2720 to allow the University of Hawai'i to follow suit.

Mahalo for your consideration!

HB-2720-HD-1

Submitted on: 2/13/2024 1:26:04 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aurora Kagawa-Viviani	Individual	Comments	Written Testimony Only

Comments:

I am a faculty at the University of Hawaii at Manoa and I support HB2720 in its original form.

The teaching and research operations of UH Mānoa rely heavily on grad student labor, and in order for the university to be both top tier in research and educational training, graduate students should be well-supported (so they are not also taking multiple other jobs to pay rent, etc). While options exist within the University structure to ensure grad student compensation, benefits, and protection are in place, these are usually not proactively engaged by admin, and grad students often have little recourse to resolve conflicts and inequities. Healthy workers will create a healthy university and support local students and state interests in the long run.

HB-2720-HD-1

Submitted on: 2/13/2024 1:26:38 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon McClish	Individual	Support	Written Testimony Only

Comments:

My name is Shannon and I am a GA at UH Manoa. I support revising the bill's currently amended form to one that upholds the constitutional right of GAs to collectively bargain

HB-2720-HD-1

Submitted on: 2/13/2024 1:38:41 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lilly Fisher	Individual	Support	In Person

Comments:

Dear Chair Representative Amy Perruso, Vice Chair Kapela and Higher Education Committee members:

Thank you for the opportunity to submit testimony on behalf of House Bill 2720, relating to the creation of a collective bargaining unit for graduate employees. My name is Lilly Fisher, I am a PhD student and graduate assistant in the American Studies Department at UH Manoa. I live in Saint Louis Heights and am represented in the House by Representative JacksonD. Sayama, and in the Senate by Senator Les Ihara, Jr. (D). I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

Besides attending classes at UH, I serve as managing editor of American Quarterly, the leading academic journal in the field of American Studies. In my capacity as managing editor, I've processed hundreds of manuscript submissions and produced several journal issues that represent some of the best work in my field. During the time I've been at UH I've taken on multiple other forms of part-time employment to make ends meet, as over 60% of my income goes to pay my rent. I consider myself lucky to be able to do this, since I do not have child care obligations and am not barred from seeking other employment because of a visa. Still at times, I have felt so overwhelmed by the amount of work I need to do and the limited time I have to do it in, that I've been uncertain about my ability to earn a degree and pursue a career I'm extremely passionate about. I have friends and colleagues who are enthusiastic about their research and teaching and fully capable of completing their degree, but have had to leave or take indefinite hiatuses from their programs to seek financial stability for themselves and their families. I love my field, I love my job, and I love teaching; and I know that the work that my colleagues and I do is incredibly valuable to the UH as an institution, to UH students, and to the larger community. It breaks my heart to know that many talented and eager scholars, teachers, and researchers are unable to pursue higher education because of the financial and emotional strain that can arise from the precarious and unprotected position we are put in as workers.

Collective bargaining will allow graduate students to harness the power we have as a community of workers who provide vital labor to the university to address ongoing, structural inequities in our salary, treatment, and security. We cannot continue to address issues of fairness, protection, and accessibility on a case-by-case basis, nor can we rely on individual whistleblowers to address what are *systemic* problems. We deserve the opportunity stand as collective of workers and to negotiate with our administration for the fair working conditions our community needs, and we have proven that we are capable of doing so. For years, ALU has pursued creative avenues to meet the unique needs of our diverse membership. We've successfully appealed the

administration for sick leave, organized hardship funds for grad students in need, and most recently, petitioned the Hawai'i Labor Relations Board to declare us public employees. I have been working with ALU for the last two years, and in this time, I have felt confused, frustrated, and disheartened that we have had to fight so hard to get basic forms of support from the state and our employers. In greater measure, however, I have been inspired by the work that has preceded my time at UH; by the brilliant, creative, and tenacious graduate student workers that compose ALU's membership; and by the support of professors, students, and community members who stand in solidarity because they know a grad student union will improve the operations of the university and the conditions of workers state-wide. This fight has been going on for years now, and in spite of numerous roadblocks and our own heavy work and course-loads, our numbers have grown, and we have only become more organized, better resourced, and more committed to one another. We will continue to work tirelessly for the rights that we know we deserve, because we genuinely care about keeping each other safe, making higher education accessible for everyone, and we know a graduate student union will benefit not only UH but workers in Hawai'i more broadly. We have been fighting for our rights as workers and representing our community's interests for years; we are ready and we deserve to stand as a collective at the bargaining table.

HB-2720-HD-1

Submitted on: 2/13/2024 1:40:10 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teri Heede	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-2720-HD-1

Submitted on: 2/13/2024 2:02:33 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles Izuma Addey	Individual	Support	Written Testimony Only

Comments:

I am Charles Addey, a Ph.D. student in the Department of Oceanography, and I stand in strong support of revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 2:04:13 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noenoe Silva	Individual	Support	Written Testimony Only

Comments:

I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 2:05:49 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyle K Kajihiro	Individual	Support	Written Testimony Only

Comments:

My name is Kyle Kajihiro. I'm an assistant professor in Ethnic Studies at UHM. I support HB 2720 with one amendment that **affirms the constitutional right of graduate assistants to collectively bargain**. Thank you.

HB-2720-HD-1

Submitted on: 2/13/2024 2:12:04 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donavan Kamakani Albano	Individual	Support	Written Testimony Only

Comments:

Aloha. My name is Donavan Kamakani Albano. I am the co-chair of the Gender Equity Committee of Academic Labor United, a PhD student in Indigenous Politics in the Department of Political Science, and a graduate student worker at the University of Hawai‘i at Mānoa. I am also a māhū Kanaka ‘Ōiwi from Kalihi, O‘ahu. **I support revising HB2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain.**

As a māhū Native Hawaiian person, I deserve the opportunity to be able to afford to live comfortably in my native homeland. I deserve to be able to find a place to live on my own and to pursue my doctorate education without concerns of instability. I deserve to be able to see my fellow Indigenous peoples pursue higher education without concerns of instability. I deserve to be able to see fellow LGBTQIA+ and MVPFAFF+ graduate student workers & students not have to face oppression and violence in their workplaces, especially cisheteropatriarchy. We have the opportunity to change that with this bill. If you care deeply about Kānaka ‘Ōiwi communities, whose Native lands you make decisions about and upon, then supporting this bill is critical.

As UH graduate student workers, we have the right to collectively bargain. As a GA myself, I recognize that we are severely underpaid, need to be afforded the opportunity to fight for better working conditions and access to resources, and we make the university run. UH runs on graduate student labor, and yet our living and working conditions are suboptimal. We teach courses, work in labs, conduct research for important departments and offices, and allow for movement to happen within the university. And yet, we are paid below the poverty line, live paycheck to paycheck, can barely afford rent and food, lack medical leave, international students receive delayed payments, workplace abuse, and other things that we should not be subjected to, considering the amount of labor we provide for the university. The University of Hawai‘i could not run without its graduate student workers. We deserve the right to collectively bargain, and exercising that right would help alleviate our concerns. We deserve the opportunity to do so. Mahalo for the opportunity to testify.

HB-2720-HD-1

Submitted on: 2/13/2024 2:18:59 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexander Prosi	Individual	Support	Written Testimony Only

Comments:

With unrelenting support, I strongly believe in revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain. This blatant violation of our rights to collectively bargain, couched in a technicality, is wholly unacceptable. This amendment patronizes graduate students by characterizing us as uninformed and naive. While we are students, we are students reaching for the highest levels of knowledge in all of our own fields--labor history included. ALU has already unambiguously demonstrated its extensive structure, comprehensive systems, and deep knowledge of our own organization. Yet, rather than allowing us to move forward with the standard process of forming a bargaining unit--wherein the final specifics of our union will be clarified after the bargaining unit is created--we are unreasonably expected to have every exact specification written out. ALU continues to demonstrate all the specifics it can provide already, showing it will be financially viable. Our affiliate, NEA, has also stated explicitly that they will be assisting financially and organizationally. We are also continually questioned on our ability to garner membership or are asked what we will do if we do not collect dues, something not asked to other unions.

I once again stand by my testimony to return this bill to constitutional form. Graduate students are ready, and have been ready.

HB-2720-HD-1

Submitted on: 2/13/2024 2:47:54 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Tong	Individual	Support	Written Testimony Only

Comments:

Aloha Hawaii State Legislature,

My name is Alan Tong, a graduate assistant, and I am writing in support of revising HB2720s current form to one that allows graduate students to collectively bargain.

HB-2720-HD-1

Submitted on: 2/13/2024 3:59:04 PM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary Nachod	Individual	Support	Written Testimony Only

Comments:

My name is Zachary Nachod and I am a PhD student in the Oceanography Department at the University of Hawai‘i at Mānoa (UH). I live in Liliha and am represented in the house by Representative Daniel Holt and in the senate by Senator Karl Rhoads. **I support revising HB 2720’s current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain**, a bill that will create a new collective bargaining unit for graduate student workers of the UH and community college system. I am in graduate school to be able to create my own climate consulting company when I graduate to help alleviate the impacts and the observation/quantification of climate change. I am nearing the end of my second year at the University of Hawai‘i at Mānoa and have encountered some difficulties in my time here. I find it hard to support myself on our current stipend as Hawai‘i, more specifically around Honolulu, is on record one of the highest cost of living areas in the country. Our peers on the mainland have a lower cost of living and have a higher stipend than us. This financial struggle affects my research and activities at UH, where I have to worry about how to supplement my income to make ends meet while working at least 40 hours at UH. This bill opens a pathway for graduate student workers like me to address these concerns by creating a bargaining unit for us, so we can finally directly bargain with our employers, the State of Hawai‘i and the Board of Regents, to improve our living and working conditions. On January 4, 2024, the Hawai‘i Labor Relations Board classified us as public employees, with the right to collectively bargain. We believe that the best path forward is for us graduate student workers to take ownership of our contract negotiations. We hope the legislature grants us this opportunity to bargain for our rights, similar to how our counterparts in the continent have been doing so for the past 50 years. Thank you for your consideration.

HB-2720-HD-1

Submitted on: 2/14/2024 7:24:04 AM

Testimony for HET on 2/14/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Jamaica Osorio	Individual	Support	Written Testimony Only

Comments:

I'm Jamaica Osorio and i am an assocaite professor in POLitical science and I support revising HB 2720's current amended form to one that upholds the constitutional right of graduate assistants to collectively bargain