
A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

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

1 SECTION 1. The legislature finds that the Hawai'i labor
2 relations board determined that graduate assistants at the
3 university of Hawai'i are public employees as defined under
4 section 89-2, Hawaii Revised Statutes. *In the matter of*
5 *Academic Labor United*, Hawaii Labor Relations Board, Case No.
6 23-DR-00-120, Order No. 4019, January 4, 2024. The Hawai'i labor
7 relations board also concluded that the graduate assistant
8 members are not included in bargaining units (1), (2), (4)
9 through (6), (9) through (12), (14), or (15) that are identified
10 in section 89-6, Hawaii Revised Statutes.

11 Accordingly, the purpose of this Act is to effectuate the
12 Hawai'i labor relations board order and establish a new
13 bargaining unit for graduate assistants at the university of
14 Hawai'i.

15 SECTION 2. Section 89-2, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:



1 ""Graduate assistant" means student in a renewable, part-
2 time academic appointment with responsibilities of teaching and
3 research in their unit of hire, and have roles as professionals,
4 albeit of an apprentice nature, in the university community."

5 SECTION 3. Section 89-6, Hawaii Revised Statutes, is
6 amended as follows:

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

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

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



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

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

5 (9) Registered professional nurses;

6 (10) Institutional, health, and correctional workers;

7 (11) Firefighters;

8 (12) Police officers;

9 (13) Professional and scientific employees, who cannot be
10 included in any of the other bargaining units;

11 (14) State law enforcement officers; [~~and~~]

12 (15) State and county ocean safety and water safety
13 officers[~~-~~]; and

14 (16) Graduate assistants employed by the university of
15 Hawaii and community college system."

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

17 "(d) For the purpose of negotiating a collective
18 bargaining agreement, the public employer of an appropriate
19 bargaining unit shall mean the governor together with the
20 following employers:



1 (1) For bargaining units (1), (2), (3), (4), (9), (10),
2 (13), (14), and (15), the governor shall have six
3 votes and the mayors, the chief justice, and the
4 Hawaii health systems corporation board shall each
5 have one vote if they have employees in the particular
6 bargaining unit;

7 (2) For bargaining units (11) and (12), the governor shall
8 have four votes and the mayors shall each have one
9 vote;

10 (3) For bargaining units (5) and (6), the governor shall
11 have three votes, the board of education shall have
12 two votes, and the superintendent of education shall
13 have one vote; and

14 (4) For bargaining units (7) [~~and~~], (8), and (16), the
15 governor shall have three votes, the board of regents
16 of the University of Hawaii shall have two votes, and
17 the president of the University of Hawaii shall have
18 one vote.

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



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

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

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

7 (1) Elected or appointed official;

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

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

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



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



1 (17) Employees of the Hawaii national guard youth challenge
2 academy; or

3 (18) Employees of the office of elections."

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

6 "(d) If an impasse exists between a public employer and
7 the exclusive bargaining representative of bargaining unit (1),
8 nonsupervisory employees in blue collar positions; bargaining
9 unit (5), teachers and other personnel of the department of
10 education; [~~6~~] bargaining unit (7), faculty of the University
11 of Hawaii and the community college system[~~7~~]; or bargaining
12 unit (16), graduate assistants employed by the university of
13 Hawaii and community college system, the board shall assist in
14 the resolution of the impasse as follows:

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



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



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

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

7 SECTION 5. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 1, 2055.



Report Title:

Collective Bargaining; Graduate Assistants; University of Hawaii; Community College System

Description:

Establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii and community college system. Takes effect 7/1/2055. (SD1)

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

