

Honolulu, Hawaii

FEB 16 , 2024

RE: H.B. No. 2720
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 2720, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college system; and
- (2) Exempt 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.

Your Committee received testimony in support of this measure from the University of Hawai'i Student Caucus; Democratic Party of Hawai'i; Democratic Party of Hawai'i Education Caucus; Democratic Party of Hawai'i Labor Caucus; Stonewall Caucus of the Democratic Party of Hawai'i; Pride at Work - Hawai'i; United Public Workers, AFSCME Local 646, AFL-CIO; Academic Labor Union; Academic Labor United; National Education Association; University of Hawaii Professional Assembly; UNITE HERE Local 5; and numerous individuals. Your Committee received testimony in opposition to



this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Budget and Finance; University of Hawai'i System; Hawai'i Labor Relations Board; Hawaii Government Employees Association AFSCME Local 152, AFL-CIO; and four individuals.

Your Committee finds that the various work-related issues that graduate assistants encounter could be fairly addressed by the collective bargaining process. Currently, graduate assistants have little control over their working conditions and educational experiences. Allowing graduate assistants to collectively bargain will give these individuals the chance to negotiate on these important issues.

Your Committee notes that, pursuant to University of Hawaii policy, tuition waivers received by graduate assistants are a form of financial aid and are not a form of taxable income for work rendered. Therefore, tuition waivers should not be considered compensation to graduate assistants.

Lastly, your Committee notes that this measure as received by your Committee excludes graduate assistants from collective bargaining and thus raises constitutionality issues based on the Hawaii Supreme Court's ruling in *United Public Workers v. Yogi*, 101 Hawaii 46, 62 P.3d 189 (2002).

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have exempted graduate assistants employed by the University of Hawaii and its community college system 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; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2720, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2720, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Higher Education &
Technology,



AMY A. PERRAUSO, Chair



Record of Votes of the Committee on Higher Education & Technology

Bill/Resolution No.: HB 2720 HD 1	Committee Referral: LGO, HET, FIN	Date: 2/14/24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. PERRUSO, Amy A. (C)	✓			
2. KAPELA, Jeanne (VC)	✓			
3. LA CHICA, Trish	✓			
4. MARTEN, Lisa	✓			
5. MARTINEZ, Rose	✓			
6. MATAYOSHI, Scot Z.				✓
7. MIZUNO, May Besario	✓			
8. QUINLAN, Sean				✓
9. TODD, Chris				✓
10. WOODSON, Justin H.	✓			
11. GARCIA, Diamond			✓	
TOTAL (11)	7		1	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				