UNIVERSITY OF HAWAIʻI SYSTEM
Legislative Testimony

Testimony Before the
Senate Committee on Higher Education & the Arts
and
Senate Committee on Judiciary & Labor
Thursday, February 5, 2015 at 1:30 p.m.
By Dr. Risa Dickson
Vice President for Academic Affairs
University of Hawaiʻi
and
Kalbert Young
Vice President for Budget & Finance
University of Hawaiʻi

SB 638 – RELATING TO COLLECTIVE BARGAINING

Chairs Taniguchi and Keith-Agaran, Vice Chairs Inouye and Shimabukuro, and Members of Senate Committees on Higher Education & the Arts and Judiciary & Labor:

We hereby provide the following testimony regarding Senate Bill 638 – Relating to Collective Bargaining which proposes to amend HRS, §89-6, to effectively allow "graduate students employed by the University of Hawaiʻi" to be included in an appropriate bargaining unit.

In deliberating on the approach to allow university-employed graduate students to be included for collective bargaining, there are several issues that the Legislature, University and taxpayers should consider. From an employment perspective, first consider the rationality of requiring the State and University to collectively bargain employment with employed students – in this case, graduate assistants. The University's graduate assistants are unlike any other employees of the State. First and foremost, they are students first - employees second. Graduate assistants are student learners. They are at the University to learn as much about their fields of study as their time and talents will allow. These graduate assistants are mentored and supervised by our rank 3, 4, and 5 Faculty members who all hold Ph.D.'s and have many years of proven professional competence and experience, including evidence of proficiency in teaching. Part of our efforts as University mentors is to teach graduate assistants the subject matter. An equal or large part of our efforts is devoted to turning them out as academic professionals with real job skills in research techniques, teaching expertise, database management, etc. They learn these essential skill sets while in their graduate assistant positions under the guidance and supervision of our current faculty employees. A graduate assistant is similar to an on-the-job training or apprenticeship training program. It is not a career or a profession, but the beginning stages most faculty must complete to pursue a career in higher education. There is no long term career opportunities for graduate assistants at the University.

As graduate assistants, their duties and work assignments differ significantly from that of our faculty members. Our faculty members in ranks 3, 4, and 5 who mentor graduate assistants are required to teach classes and/or develop research programs with

no supervision or oversight. There are at times consultation and interaction with other Faculty members depending on the department's teaching needs or research focus, but there is not supervision *per se*. A graduate assistant does not step into a classroom, laboratory, or field exercise without supervision of some kind. By comparison, senior teaching assistants may be capable of teaching a lecture section with little or no supervision because they have been mentored and trained to take on that type of assignment. Similarly, senior research assistants will undertake more complex roles without strict supervision or even have the capacity to develop new techniques as they grow into their roles. Our goal is to train and mentor graduate assistants to get them to that point where they can function as professionals and begin their academic careers.

Secondly, from a statutory consistency perspective, while the bill's description does describe that the purpose and intent of the proposed legislation is to allow UH graduate students to be included in an appropriate collective bargaining unit, this new classification of workers may not fall within any of the existing fourteen (14) categories of bargaining units under HRS, §89-6(a). Therefore, either the current categories will need to be amended or an additional bargaining unit would need to be created. In addition, three (3) of the fourteen (14) existing bargaining units have retained their right to strike while all other bargaining units are subject to interest arbitration. Therefore, some of the issues that would need to be addressed in the legislation includes but is not limited to, the definition of the employer and votes under HRS, §89-6(d) for graduate students and the mechanism for dispute resolution or impasse procedure (i.e., right to strike or interest arbitration) under HRS, §89-11.

Thirdly, the State of Hawai‘i and the University of Hawai‘i must also somberly consider the financial ramifications of allowing student employees such as graduate students into Chapter 89, HRS, collective bargaining. There will be significant cost increases for both the University and the State of Hawai‘i should the Legislature decide to expand collective bargaining provisions to this currently non-bargaining class of employees.

Graduate students of the University are currently compensated via a package that includes a variety of benefits. Consider that current compensation for employed graduate students varies dependent upon individual circumstances of the student. University-employed graduate students receive tuition waivers that can be valued at between $458 to $1,382 per credit hour per semester, depending upon their resident (or non-resident) status. Factors such as whether the student is a Hawai‘i resident or non-resident will increase the value of the tuition waiver benefit. For example, a full time resident graduate student tuition can range from $5,500.00 to $9,000.00 per semester while non-resident tuition ranges from $13,400.00 to $16,600 per semester. They also may receive a monetary stipend that can vary by the educational program that they are associated with. The current level of compensation is not an insignificant cost to the University.

Since mandatory subjects of bargaining covers wages, hours, conditions of employment and fringe benefits, all such subjects shall now become “cost items” subject to legislative appropriations pursuant to HRS, §89-10(b). For example, membership in the State Employees’ Retirement System as provided to employees in Chapter 88, HRS, will

add pension contribution costs to the State and employee. As with other bargaining unit members, enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University for contributions and to the State for total liability of the system. Additionally, all compensation collectively bargained for can be treated as wages that will be subject to employment and income taxes.

The Legislature should consider the cost factor for additional expenses that will be incurred above the current operational costs. Adding collective bargaining components to this class of employees who are first and foremost student employees will increase State general fund demand while simultaneously increasing University operational expenses.

We respectfully request the Senate Committee on Higher Education and the Arts and the Senate Committee on Judiciary and Labor defer any further action on this measure.

Thank you for the opportunity to testify on this bill.