



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Labor and Public Employment  
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By  
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### HB 1277 HD1 – RELATING TO COLLECTIVE BARGAINING

Chair Johanson, Vice Chair Holt, and members of the Committee:

I am respectfully submitting testimony on behalf of the University of Hawai'i regarding House Bill 1277 House Draft 1 – Relating to Collective Bargaining – which proposes to amend HRS §89-6, to allow graduate student assistants employed for a minimum of 20 hours per week at the University of Hawai'i to organize for collective bargaining purposes and to form a new bargaining unit. In addition, this bill proposes to amend HRS 89-11 and provide the Hawai'i Labor Relations Board the requisite authority to assist in the resolution of impasse.

The University of Hawai'i opposes the passage of this measure.

As we explained in prior testimony submitted in response to similar bills introduced in the 2015 and 2016 legislative sessions, in deliberating on the concept of allowing University-employed graduate student assistants to be included in collective bargaining, there are several issues that the Legislature should seriously consider.

First and foremost, graduate student assistants are *students* first and *employees* second. Graduate student assistants are student learners. They are at the University, not for a job as an assistant, but rather to learn as much about their chosen fields of study as their individual time and talents will allow. These graduate students are mentored and supervised by our rank 3, 4, and 5 faculty members who hold PhDs or other terminal level degrees, and have many years of proven professional competence and experience including evidence of proficiency in teaching and/or research.

Indeed, though a large part of our efforts as University mentors is aimed at teaching graduate assistants the actual subject matter, an equally large part is devoted to developing graduate student assistants as academic professionals with real job skills in research techniques, teaching expertise, etc. contributing to scholarly and research disciplines at national and international levels. The graduate assistants learn these essential skill sets while in their graduate assistant positions under the guidance and supervision of our current faculty employees.

In this respect, the duties and assignments of a graduate assistant differ from those of a faculty member. Our faculty members in ranks 3, 4, and 5 who mentor graduate student assistants are established professionals required to teach classes and/or develop research programs without active supervision or management oversight. The purpose of an assistantship is to train and mentor a graduate student in specific skill sets with the explicit goal of increasing their competitiveness as the graduate student enters a professional academic career.

**Simply stated, the University's priority is degree completion for our graduate student assistants, not providing them with "career government service" levels of pay, benefits and job security while they are in training to be the best in their future career fields.**

This leads directly to a second consideration, which is that a "graduate student assistant" is not a career position; the assistantship is a transitory stage and a status that runs directly contrary to *all* other positions in the established collective bargaining units under HRS, §89-6. The fact is there are no long term career opportunities for graduate student assistant positions at the University or anywhere else. As noted, a graduate student assistantship is similar to an on-the-job training or apprenticeship program; the assistantship is not a career choice. The assistantship is, however, an important stepping stone for graduate students to become faculty and established professionals and to achieve the ultimate goal of a faculty career in higher education and job security *upon duly passing probation* (a concept that this measure does not address).

Creating a bargaining unit comprised entirely of temporary graduate student assistants, many of them non-residents, contributes little toward the important and core public policy of fostering a stable and prosperous middle class in Hawai'i dedicated to sustainable, long-term careers in local government service. Indeed, this is *precisely* why we have strong, cohesive bargaining units for committed government careers such as teachers, firefighters, police officers, corrections officers, clerical and other staff support, and custodial, grounds and trades employees.

This leads directly to a third consideration, namely that there will be significant and *enduring* cost increases to both the University and the State of Hawai'i should graduate student assistants become employees with the right to collectively bargain.

Since the 2016 legislative session ended, the University enacted **Executive Policy EP5.223**. In addition to providing that graduate student assistants have the right to file employment related **grievances**, and clarifying that outside employment and calling in sick are **NOT** prohibited, it also provides them with a 9 or 11 month pay schedule ranging from Steps 1 to 20.

Graduate student assistants of the University are currently compensated via a package that includes a variety of benefits. For example, UH Mānoa full time resident graduate student tuition currently ranges between **\$7,644 to \$12,012** per semester, while non-resident tuition ranges between **\$18,324 to \$22,752** per semester. We afford our

graduate student assistants with tuition waivers so they can concentrate on being first-rate *students* and achieve degree completion in timely manner.

Graduate student assistants may also receive monetary stipends that can vary by the educational program in which they are enrolled. The current level of compensation is a considerable cost to the University and constitutes a significant amount of the financial assistance provided to graduate student assistants. Specifically, last school year, depending on residency, educational program, and schedule, the value of tuition waivers and stipends was estimated to typically range between **\$32,790** and **\$57,240** annually, with a potential maximum value as high as **\$73,812** annually. This year, the ranges are higher, and the potential maximum value is now **\$80,996**.

Moreover, our graduate assistants who work at least 20 hours per week are eligible to enroll in the *same* health and benefit plans (medical, prescription drugs, dental, vision and life insurance) as our career employees who are members of bargaining units. Further, our graduate assistants who are full-time students are also exempt from the FICA tax.

Currently, the University has flexibility in dealing with these sorts of very significant costs, but pursuant to this measure, tuition waivers, stipends and other benefits we provide to our graduate assistants would become “cost items” and would thereafter be subject to **mandatory bargaining**. These costs would further extend to include membership in the State Employees’ Retirement System as provided to employees in Chapter 88, HRS, which would add pension contribution costs to the State and tax payers. In addition, any increased enrollment in the Employer-Union Trust Fund for health insurance benefits will also add increased expenses to the University and State for contributions to the system.

Note further that all compensation collectively bargained for may be treated as wages that will be subject to employment and income taxes – an issue graduate student assistants may not be considering as it relates to tuition waivers that involve substantial sums of money.

In summary, this measure would create a bargaining unit that is absolutely unique in the State, comprised of transitory members who remain students first with the intention of learning a skill set to increase their competitiveness when they graduate and begin a professional career. The University views this measure as drastically impacting the intent and purpose of graduate assistantships, greatly increasing our operational expenses, and above all else, blurring the lines between students and employees and impacting our ability to train our graduate students and ensure timely degree completion.

Based on the above, we request that this measure be held.

Thank you for the opportunity to testify on this measure.