



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

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

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HB 2859 RELATING TO COLLECTIVE BARGAINING

Chair Nishimoto, Vice Chair Nakashima and Members of House Committee on Higher Education, I am submitting written testimony on behalf of the University of Hawai'i regarding House Bill 2859 – Relating to Collective Bargaining which proposes to amend HRS, §89-6, to not exclude from collective bargaining “...students of a state institution that are not employed by the State”.

The University of Hawai'i has concerns regarding the impact, intended and unintended, of the proposal if such legislation were enacted.

While the introductory section of the bill references graduate assistants, Section 2 of the bill deletes student help and inserts the provision “.. *students of a state institution that are not employed by the State.*” In the absence of a clear definition or description, the amending language could include undergraduate students, who have not attained their ages of majority. Furthermore, by the inclusion of students without further qualifications, it may be argued that “... students of a state institution not employed by the State” could be interpreted as extending collective bargaining rights to HIDOE K-12 students.

Most importantly, the University's graduate assistants are unlike any other employees. They are students first, and 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 program. It is not a career or a profession, but the beginning stages most faculty must complete to pursue a career in higher education.

As graduate assistants, their duties and work assignments differ significantly from that of faculty employees. 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. 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 these graduate assistants to get them to that point where they can function as professionals and begin their careers.

From a collective bargaining perspective, it does not appear that the proposed amended group-- students "*not employed by the state*"--would fall within any of the existing categories under HRS, §89-6(a). Therefore, either the current categories will need to be expanded or additional bargaining units created. The issue of expanding the number and type of collective bargaining units has been a long standing issue by various employee groups and will likely lead to extensive debate and discussions with representatives of the existing bargaining units and advocates of other various employee groups. Included among the issues that would need to be addressed are the definition of the employer and the dispute resolution or impasse procedure (i.e., right to strike or subject to interest arbitration).

If collective bargaining were extended to *students not employed by a State institution*, among the mandatory subject of negotiations would be wages, hours, conditions of employment and fringe benefits. Wage and fringe benefits would have cost implications to both the State and the individual employer. In addition to the stipends that graduate student workers earn, the University also provides them full tuition waivers which may range from \$458.00 to \$725.00 per credit hour for residents; tuition waivers for non-resident tuition can range from \$1,116.00 to \$1,382.00 per credit hour. A full time graduate student resident tuition ranges from \$5,500.00 to \$9,000.00 per semester while non-resident tuition ranges from \$13,400.00 to \$16,600 per semester. Such matters will become negotiable subjects and may or may not be included in the negotiated compensation package.

Moreover, in the current fiscal climate, all UH employees have had their salaries reduced to deal with the funding shortfalls. We have been able to protect graduate students serving as teaching or research assistants from these reductions, but under this proposal their stipends would be negotiable. Similarly, all students are eligible to enroll in student health insurance plans; under this proposal, medical coverage would be negotiable.

Thank you for the opportunity to testify on this bill.