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# 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.*

