

STAND. COM. REP. NO.

3216

Honolulu, Hawaii

MAR 21 2024

RE: H.B. No. 2720  
H.D. 3  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committees on Labor and Technology and Higher Education,  
to which was referred H.B. No. 2720, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to 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, at which point a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college system will be established.

Your Committees received testimony in support of this measure from University of Hawai'i at Mānoa Graduate Student Organization; University of Hawaii Professional Assembly; National Education Association; Academic Labor United; Democratic Party of Hawai'i Education Caucus; Democratic Party of Hawai'i Labor Caucus; Democratic Party of Hawai'i; Rainbow Family 808; Democratic Party of Hawai'i Stonewall Caucus; University of Hawai'i Student Caucus; United Public Workers, AFSCME Local 646, AFL-CIO; Academic Labor Union; and fifty individuals.

Your Committees received testimony in opposition to this measure from the Hawaii State Teachers Association.



Your Committees received comments on this measure from the Department of Budget and Finance; University of Hawai'i System; Hawaii Government Employee Association, AFSCME Local 152, AFL-CIO; and two individuals.

Your Committees find that graduate assistants play a vital role in the operation of the University of Hawaii by conducting research and teaching, and are integral to the State's innovation and intellectual capital. In January 2024, the Hawaii Labor Relations Board issued an order declaring that graduate assistants at the University of Hawaii are public employees as defined under section 89-2, Hawaii Revised Statutes (HRS), and are not included in any of the bargaining units identified in section 89-6, HRS. To allow these public employees the right to organize and collectively bargain the terms and conditions of their employment, this measure establishes a bargaining unit for graduate assistants employed by the University of Hawaii and its community college system to in statute, however, exempts them from collective bargaining until they petition the Hawaii Labor Relations Board and the Board determines that they are ready to be placed in a bargaining unit.

Your Committees note that S.B. No. 3317, S.D.1, Regular Session of 2024 (S.B. No. 3317, S.D.1), which has been previously heard by the Senate, also relates to the establishment of a collective bargaining unit for graduate assistants employed by the University of Hawaii and its community college systems. Your Committees find that the language in S.B. No. 3317, S.D. 1, is preferable because it establishes a collective bargaining unit for the graduate assistants without the condition that they petition and receive a determination from the Hawaii Labor Relations Board. The language in S.B. No. 3317, S.D. 1, is also preferable because it provides a definition of "graduate assistants" which is essential to this measure.

Accordingly, your Committees have amended this measure by deleting its contents and inserting the contents of S.B. No. 3317, S.D. 1, a measure that:

- (1) Defines "graduate assistant" as a student in a renewable, part-time academic appointment with responsibilities of teaching and research in their unit



of hire, and have roles as professionals, albeit of an apprentice nature, in the university community;

- (2) Establishes Bargaining Unit (16) as a new collective bargaining unit for graduate assistants employed by the University of Hawaii and community college system;
- (3) Establishes that for the purpose of negotiating a collective bargaining agreement, the public employer of Bargaining Unit (16) means the Governor, who shall have three votes, the Board of Regents of the University of Hawaii, who shall have two votes, and the President of the University of Hawaii, who shall have one vote;
- (4) Establishes that part-time employees working less than twenty hours per week included in Bargaining Unit (16) are entitled to coverage under chapter 89, HRS;
- (5) Establishes impasse procedures for bargaining unit (16); and
- (6) Takes effect on July 1, 2055.

Your Committees note the contents and intentions of S.B. No. 2991, S.D. 2, Regular Session of 2024, that is currently moving through the legislative process, which amends criteria for the creation of new bargaining units, and its relation to this measure. Your Committees also note that the creation of a bargaining unit might not solve the ongoing issues within the University of Hawaii System, as the University of Hawaii Professional Assembly has had little success solving them. Your Committees find that these concerns merit further consideration and respectfully request that subsequent Committees that may hear this measure further examine these issues as this measure moves through the legislative process.

As affirmed by the records of votes of the members of your Committees on Labor and Technology and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2720, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2720, H.D. 3, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Labor and  
Technology and Higher  
Education,

  
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DONNA MERCADO KIM, Chair

  
\_\_\_\_\_  
HENRY J.C. AQUINO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>HB2720, HD3</b>	Committee Referral: <b>LBT/HRE, WAM</b>	Date: <b>9/18/24</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
AQUINO, Henry J.C. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
IHARA, Jr., Les	X			
LEE, Chris	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>5</b>			

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature: \_\_\_\_\_

Distribution:    
 Original     Yellow     Pink     Goldenrod  
 File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Higher Education**  
**HRE**

Bill / Resolution No.:* <b>HB 2720HD3</b>	Committee Referral: <b>LBT/HRE, WAM</b>	Date: <b>03-18-24</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)	✓			✓
FUKUNAGA, Carol				✓
HASHIMOTO, Troy N.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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