



UNIVERSITY
of HAWAII®

Ke Kulanui o Hawai'i

David Lassner
President

DEPT. COMM. NO. 152

December 18, 2023

The Honorable Ronald D. Kouchi, The Honorable Scott Saiki, Speaker
President and Members of the Senate and Members of the House of Representatives
Thirty-Second State Legislature Thirty-Second State Legislature
Honolulu, Hawai'i 96813 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, the University of Hawai'i is transmitting a Report Urging the University of Hawai'i to Strengthen the Center for Labor Education and Research at the University of Hawai'i-West O'ahu by Establishing a Working Group to Develop a Community-Driven Vision for the Center's Programs (House Resolution 142, 2023) as requested by the Legislature.

In accordance with Section 93-16, Hawai'i Revised Statutes, this report may be viewed electronically at: <https://www.hawaii.edu/offices/government-relations/2024-legislative-reports/>.

Should you have any questions about this report, please do not hesitate to contact Stephanie Kim at (808) 956-4250, or via e-mail at scskim@hawaii.edu.

Sincerely,

A handwritten signature in black ink that reads 'David Lassner'.

David Lassner
President

Enclosure

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UNIVERSITY OF HAWAI‘I SYSTEM REPORT



REPORT TO THE 2024 LEGISLATURE

Report Urging the University of Hawai'i to Strengthen the Center for Labor
Education and Research at the University of Hawai'i-West O'ahu by
Establishing a Working Group to Develop a Community-Driven Vision for
the Center's Programs

HR 142 (2023)

December 2023

HR 142 (2023) URGING THE UNIVERSITY OF HAWAII TO STRENGTHEN THE CENTER FOR LABOR EDUCATION AND RESEARCH AT THE UNIVERSITY OF HAWAII-WEST O'AHU BY ESTABLISHING A WORKING GROUP TO DEVELOP A COMMUNITY-DRIVEN VISION FOR THE CENTERS PROGRAMS.

Findings and Recommendations

Submitted by:
Catherine Lederer, Chair, HR 142 Working Group

House Resolution 142 (HR 142), adopted by the House of Representatives of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2023, urging the University of Hawaii (UH) to strengthen the Center for Labor Education and Research (CLEAR) at the University of Hawaii-West O'ahu (UHWO), established this working group to develop a community-driven vision for the Center's programs.

The HR 142 Working Group is not a "board" subject to the Sunshine Law. Pursuant to HR 142, the UH convened the working group with the following members:

- Christian Fern, Executive Director of the University of Hawaii Professional Assembly
- William Kunstman, Deputy Director of the Department of Labor & Industrial Relations
- Catherine Lederer, Labor Community Services Program, Hawaii State AFL-CIO
- Representative Amy A. Perruso, Chair, House Committee on Higher Education & Technology
- Alan Rosenfeld, Associate Vice President for Academic Programs and Policy, University of Hawaii
- Marc Yamane, Business Representative and Financial Secretary of the International Union of Elevator Constructors Local 126, and Vice Chair of the Labor Education Advisory Council

Catherine Lederer was elected Chair at the HR 142 Working Group's first meeting on August 22, 2023.

FINDINGS

Organized labor has played a vital role in shaping the economic and social landscape of the State of Hawaii, which, according to the United States Bureau of Labor Statistics, possessed the highest rate of unionization in the country (at 21.9%) as of 2022.¹ During Hawaii's territorial period, the labor movement played a pivotal role in curtailing the

¹ See Bureau of Labor Statistics, "The Economics Daily," February 13, 2023, cited on November 24, 2023 <https://www.bls.gov/opub/ted/2023/hawaii-had-the-highest-rate-of-union-membership-in-2022.htm#:~:text=February%2013%2C%202023-.Hawaii%20had%20the%20highest%20rate%20of%20union%20membership%20in%202022,from%2010.3%20percent%20in%202021>

relatively unchecked power of Hawai'i's oligarchy and fostering cross-ethnic solidarity among Hawai'i's working-class communities. In the decades that followed, Hawai'i's organized labor helped secure livable wages, improved working conditions, job security, workplace health and safety regulations, paid leave, and pension benefits for the state's unionized members. Importantly, labor movement victories in these areas also helped improve the working conditions of the entire society. The State of Hawai'i officially enshrined its commitment to protecting organized labor with the Constitutional Convention of 1968, which guaranteed workers' rights to organize and bargain collectively.

It was with this context in mind that the Legislature of the State of Hawai'i established the CLEAR at the UH in 1976. Specifically, State Law (ACT 202) empowered CLEAR to:

- (1) provide labor education instruction, labor-related research, and educational services for workers and their organizations;
- (2) provide labor-related education to the public;
- (3) advise and assist in the development and implementation of labor-related instructional programs, courses, and activities for use within the department of education, including teacher preparation, therefore;
- (4) advise and assist in the development and implementation of labor studies degree programs in the UH system; and
- (5) be the clearinghouse for labor education matters across the State of Hawai'i.

Now in its fifth decade of operations, CLEAR has seen its facilities move from the UH - Mānoa campus to the UHWO campus and has experienced cycles of change in personnel. Nevertheless, CLEAR's mission to serve the public and the labor community across the entire State of Hawai'i has remained the same. CLEAR's award-winning Labor History Archive of Hawai'i contains irreplaceable documents and artifacts dating back to the nineteenth century—collections that draw scholars from as far away as Massachusetts and Japan. CLEAR produced over three hundred *Rice & Roses* video programs broadcast on Hawai'i Public Television from 1971. CLEAR also served as the custodian of the programs and unique video footage after the privatization of public television, preserving its rare interviews of some of the most important labor and political figures in Hawai'i's history. After CLEAR was moved to the UHWO Kapolei campus in 2012, the *Rice & Roses* collection and original footage became by special arrangement the largest collection in 'Ulu'ulu: the Henry Ku'uialoha Giugni Moving Image Archive of Hawai'i, which is the official state archive for moving images. CLEAR also provides both non-credit and credit-based classes to the people of Hawai'i and garnered the University of Hawai'i Board of Regents approval in 2022 to create a Certificate in Labor Studies, which is now fully operational.

CLEAR requires a firm commitment from the Legislature and the University as it enters a period of transition. The Center currently houses five positions supported by general funds:

- a director/faculty position (#85401),
- three additional faculty positions (#85180, #85402, and #85174), and
- a secretary position (#14847).

CLEAR anticipates that three of these five positions will become vacant in the near

future, owing to the impending retirements of personnel who served the University and the Center for decades. In order for CLEAR to continue to serve its statewide mission and to meet its longstanding statutory mandates, it is vital for the UH to fill these anticipated vacancies in a timely manner. Furthermore, recognizing the uniqueness of CLEAR's statutory mission and purposes that provide services to the labor community year round, CLEAR faculty require 11-month appointments. It is also essential for CLEAR to be provided with sufficient office space and conference room access so that, among other things, the Center remains able to facilitate regular meetings of the LEAC, which is subject to the notice requirements of the State's Sunshine Act (HRS 92).

RECOMMENDATIONS

- (1) Though the Statute (HRS 304A-1601) currently locates CLEAR on the campus of UHWO and makes its affairs and operations accountable to the UHWO Chancellor, the findings and purpose of CLEAR since its establishment identify the citizenry of the entire State as its target community. Likewise, the Labor Education Advisory Council (LEAC) established by HRS 304A-1603 is composed of 15 members broadly representative of the trade union movement in the state, appointed by the UH President. All recommendations and advice adopted by the Council should be directed to both the Chancellor and the UH President, amending the second sentence of HRS 304A-1603 to include to read: "The Council shall be advisory to the Chancellor and the President on all activities and programs of the center...". We further recommend that such formal advice and resolutions adopted by the LEAC as the voice of the statewide labor/trade union community, receive formal/written response(s) from the Chancellor and President addressing the Council's advice.
- (2) Faculty and staff vacancies occurring and anticipated to occur at the Center shall be filled in a timely manner to ensure continuation of the services that CLEAR has struggled to provide to the State's Trade Union Community. In the case of retirements, authorization to fill the vacancies should be presumed and posted promptly after the retirement documents are submitted so that the position(s) can be filled with as little disruption to the program services as possible.
- (3) As all current CLEAR faculty were originally hired and tenured as 11-month specialist faculty BOR appointments to serve and provide both non-credit as well as credit instructional programs throughout the year, we recommend all faculty positions at CLEAR be converted to 11-month faculty positions under the new faculty classifications at the same rank.

- (4) We further recommend that the UH consult and or negotiate with the University of Hawai'i Professional Assembly to ensure that the calculations of faculty workload equally recognize hours of non-credit as well as credit teaching to ensure that CLEAR faculty will not be forced to abandon its traditional working constituents and their organizations.
- (5) Upon the retirement of Chris Conybeare, the position of *Rice and Roses* Producer/faculty (position #85180), be converted to CLEAR Archivist and Digital Media Librarian to support and promote digitization, preservation and accessibility of CLEAR's award winning Hawai'i Labor History Archive of documents and artifacts in full cooperation and conjunction with the 'Ulu'ulu Moving Image Archive.
- (6) That the current offices of the CLEAR (Rooms B217- 226), including the LEAC meeting room (B217) on the second floor of the James and Abigail Campbell Library at UHWO be recognized and dedicated as the permanent home of the Center and its faculty and staff, as a university "Center" in the physical and academic meanings of the term.
- (7) That the Labor Studies Certificate as well as all credit Labor Studies courses and classes be open and available to UH students throughout the State and the UH system through the University's "Cross-Campus Sharing" program.