



**GOV. MSG. NO. 1328**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 13, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker  
and Members of the House  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

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

I am transmitting herewith HB553 HD1 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB553 HD1 SD2 CD1

RELATING TO COLLECTIVE BARGAINING

Sincerely,

DAVID Y. IGE  
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2015

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 553

Honorable Members  
Twenty-Eighth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 553, entitled "A Bill for an Act Relating to Collective Bargaining."

The purpose of this bill is to allow part-time and full-time graduate student assistants employed by the University of Hawaii to collectively bargain their wages, hours, and other terms and conditions of employment; provided that no collective bargaining agreement shall take effect prior to July 1, 2016. This bill also requires the University and current exclusive representatives of collective bargaining units that represent employees in the University system to meet and submit recommendations on various aspects of collective bargaining for graduate student assistants to the Legislature prior to the regular session of 2016.

This bill is objectionable because it is incomplete and could potentially cause legal and administrative problems. Through this bill, the Legislature allowed graduate student assistants the right to collectively bargain, but did not provide the necessary tools to accomplish it. Specifically, the Legislature did not (1) assign an existing collective bargaining unit or create a new bargaining unit to be included in section 89-6, Hawaii Revised Statutes; (2) identify the applicable employer group and the number of votes each employer must have for purposes of negotiating a collective bargaining agreement under section 89-6(d); and (3) provide an impasse resolution mechanism, such as binding arbitration or strike, in section 89-11, Hawaii Revised Statutes.

Further, requiring the University to engage in discussions with exclusive

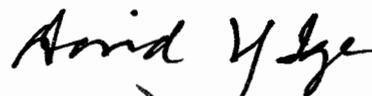
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HOUSE BILL NO. 553  
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representatives of bargaining units that represent University employees concerning the scope of negotiations is not consistent with collective bargaining concepts. The University employs workers represented by multiple collective bargaining representatives – the University of Hawaii Professional Assembly, the Hawaii Government Employees Association, and the United Public Workers. Each of the unions has different negotiation perspectives and priorities and do not currently represent graduate student assistants. The purpose of collective bargaining is for the employer and the certified “exclusive representative” of graduate student assistants to negotiate in good faith as to wages, hours, and terms and conditions of employment. Thus, negotiations regarding the subject matter of collective bargaining must occur with the exclusive representative. However, an exclusive representative cannot be certified pursuant to sections 89-7 and 89-8, Hawaii Revised Statutes, unless the Legislature identifies the “appropriate bargaining unit” for graduate student assistants.

Finally, graduate student assistants are students first and employees second. None of these positions is a career position within the government service. There would be significant cost increases for both the University and the State of Hawaii should student assistants become employees with a right to collectively bargain. The current levels of compensation for graduate student assistants are competitive and include tuition waivers and monetary stipends. Including graduate student assistants in collective bargaining will result in additional pension contribution costs and possible increases in health benefits, which will increase demands upon the State general fund.

For the foregoing reasons, I am returning House Bill No. 553 without my approval.

Respectfully,



DAVID Y. IGE  
Governor of Hawaii

ORIGINAL

VETO

HOUSE OF REPRESENTATIVES  
TWENTY-EIGHTH LEGISLATURE, 2015  
STATE OF HAWAII

H.B. NO.

553  
H.D. 1  
S.D. 2  
C.D. 1

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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 purpose of this Act is to allow graduate  
2 student assistants employed by the University of Hawaii to  
3 collectively bargain their wages, hours, and other terms of  
4 employment.

5           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
6 amended by amending subsection (f) to read as follows:

7           "(f) The following individuals shall not be included in  
8 any appropriate bargaining unit or be entitled to coverage under  
9 this chapter:

- 10           (1) Elected or appointed official;
- 11           (2) Member of any board or commission; provided that  
12 nothing in this paragraph shall prohibit a member of a  
13 collective bargaining unit from serving on a governing  
14 board of a charter school, on the state public charter  
15 school commission, or as a charter school authorizer  
16 established under chapter 302D;
- 17           (3) Top-level managerial and administrative personnel,  
18 including the department head, deputy or assistant to



- 1 a department head, administrative officer, director,
- 2 or chief of a state or county agency or major
- 3 division, and legal counsel;
- 4 (4) Secretary to top-level managerial and administrative
- 5 personnel under paragraph (3);
- 6 (5) Individual concerned with confidential matters
- 7 affecting employee-employer relations;
- 8 (6) Part-time employee working less than twenty hours per
- 9 week, except part-time employees included in unit
- 10 (5) [7] and part-time graduate student assistants
- 11 employed by the University of Hawaii;
- 12 (7) Temporary employee of three months' duration or less;
- 13 (8) Employee of the executive office of the governor or a
- 14 household employee at Washington Place;
- 15 (9) Employee of the executive office of the lieutenant
- 16 governor;
- 17 (10) Employee of the executive office of the mayor;
- 18 (11) Staff of the legislative branch of the State;
- 19 (12) Staff of the legislative branches of the counties,
- 20 except employees of the clerks' offices of the
- 21 counties;



- 1 (13) Any commissioned and enlisted personnel of the Hawaii
- 2 national guard;
- 3 (14) Inmate, kokua, patient, ward, or student of a state
- 4 institution;
- 5 (15) Student help[+] except a graduate student assistant
- 6 employed by the University of Hawaii;
- 7 (16) Staff of the Hawaii labor relations board;
- 8 (17) Employees of the Hawaii national guard youth challenge
- 9 academy; or
- 10 (18) Employees of the office of elections."

11 SECTION 3. Representatives from the University of Hawaii  
 12 and exclusive representatives of bargaining units that represent  
 13 employees in the University of Hawaii system shall meet to  
 14 discuss, determine and agree upon the scope of negotiable items,  
 15 provided that not all exclusive representatives need  
 16 participate. No later than twenty days prior to the convening  
 17 of the regular session of 2016, the University of Hawaii and  
 18 exclusive representatives of bargaining units that represent  
 19 employees in the University of Hawaii system shall submit to the  
 20 legislature a report of their findings and recommendations,  
 21 including any proposed legislation. The legislature shall



