

HOUSE BILL 163

P4, F2

8lr0972

By: **Delegate B. Barnes**

Introduced and read first time: January 17, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **University of Maryland University College – Collective Bargaining – Adjunct**
3 **Faculty**

4 FOR the purpose of providing collective bargaining rights to certain adjunct faculty at the
5 University of Maryland University College; altering certain exceptions to the
6 applicability of provisions of law governing collective bargaining for State employees;
7 establishing certain collective bargaining units for adjunct faculty at the University
8 of Maryland University College; defining a certain term; altering a certain definition;
9 and generally relating to collective bargaining for certain employees of the
10 University of Maryland University College.

11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 3–101, 3–102, and 3–403(d)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – State Personnel and Pensions**

19 3–101.

20 (a) In this title the following words have the meanings indicated.

21 (b) **(1) “ADJUNCT FACULTY” MEANS AN EMPLOYEE AT THE UNIVERSITY**
22 **OF MARYLAND UNIVERSITY COLLEGE WHO SERVES IN ANY NONPERMANENT**
23 **POSITION IN WHICH STUDENT INSTRUCTION IS A PRIMARY DUTY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “ADJUNCT FACULTY” DOES NOT INCLUDE A GRADUATE STUDENT**
2 **EMPLOYEE.**

3 **(C) “Board” means:**

4 (1) with regard to any matter relating to employees of any of the units of
5 State government described in § 3–102(a)(1)(i) through (iv) and (vi) through (x) of this
6 subtitle and employees described in § 3–102(a)(2) of this subtitle, the State Labor Relations
7 Board; and

8 (2) with regard to any matter relating to employees of any State institution
9 of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education
10 Labor Relations Board.

11 **[(c)] (D) “Collective bargaining” means:**

12 (1) good faith negotiations by authorized representatives of employees and
13 their employer with the intention of:

14 (i) 1. reaching an agreement about wages, hours, and other
15 terms and conditions of employment; and

16 2. incorporating the terms of the agreement in a written
17 memorandum of understanding or other written understanding; or

18 (ii) clarifying terms and conditions of employment;

19 (2) administration of terms and conditions of employment; or

20 (3) the voluntary adjustment of a dispute or disagreement between
21 authorized representatives of employees and their employer that arises under a
22 memorandum of understanding or other written understanding.

23 **[(d)] (E) “Employee organization” means a labor or other organization in which**
24 **State employees OR ADJUNCT FACULTY AT THE UNIVERSITY OF MARYLAND**
25 **UNIVERSITY COLLEGE** participate and that has as one of its primary purposes
26 representing employees.

27 **[(e)] (F) “Exclusive representative” means an employee organization that has**
28 **been certified by the Board as an exclusive representative under Subtitle 4 of this title.**

29 **[(f)] (G) “President” means:**

30 (1) with regard to a constituent institution, as defined in § 12–101 of the
31 Education Article, the president of the constituent institution;

1 (2) with regard to a center or institute, as those terms are defined in §
2 12–101 of the Education Article, the president of the center or institute;

3 (3) with regard to the University System of Maryland Office, the
4 Chancellor of the University System of Maryland; and

5 (4) with regard to Morgan State University, St. Mary’s College of
6 Maryland, and Baltimore City Community College, the president of the institution.

7 **[(g)] (H)** “System institution” means:

8 (1) a constituent institution, as defined in § 12–101 of the Education
9 Article;

10 (2) a center or institute, as those terms are defined in § 12–101 of the
11 Education Article; and

12 (3) the University System of Maryland Office.
13 3–102.

14 (a) Except as provided in this title or as otherwise provided by law, this title
15 applies to:

16 (1) all employees of:

17 (i) the principal departments within the Executive Branch of State
18 government;

19 (ii) the Maryland Insurance Administration;

20 (iii) the State Department of Assessments and Taxation;

21 (iv) the State Lottery and Gaming Control Agency;

22 (v) the University System of Maryland, Morgan State University,
23 St. Mary’s College of Maryland, and Baltimore City Community College;

24 (vi) the Comptroller;

25 (vii) the Maryland Transportation Authority who are not police
26 officers;

27 (viii) the State Retirement Agency;

28 (ix) the State Department of Education; and

1 (x) firefighters for the Martin State Airport at the rank of captain or
2 below who are employed by the Military Department; and

3 (2) all full-time Maryland Transportation Authority police officers at the
4 rank of first sergeant and below.

5 (b) This title does not apply to:

6 (1) employees of the Maryland Transit Administration, as that term is
7 defined in § 7-601(a)(2) of the Transportation Article;

8 (2) an employee who is elected to the position by popular vote;

9 (3) an employee in a position by election or appointment that is provided
10 for by the Maryland Constitution;

11 (4) an employee who is:

12 (i) a special appointment in the State Personnel Management
13 System; or

14 (ii) 1. directly appointed by the Governor by an appointment
15 that is not provided for by the Maryland Constitution;

16 2. appointed by or on the staff of the Governor or Lieutenant
17 Governor; or

18 3. assigned to the Government House or the Governor's
19 Office;

20 (5) an employee assigned to the Board or with access to records of the
21 Board;

22 (6) an employee in:

23 (i) the executive service of the State Personnel Management
24 System; or

25 (ii) a unit of the Executive Branch with an independent personnel
26 system who is:

27 1. the chief administrator of the unit or a comparable
28 position that is not excluded under item (3) of this subsection as a constitutional or elected
29 office; or

30 2. a deputy or assistant administrator of the unit or a
31 comparable position;

1 (7) (i) a temporary or contractual employee in the State Personnel
2 Management System; or

3 (ii) a contractual, temporary, or emergency employee in a unit of the
4 Executive Branch with an independent personnel system;

5 (8) an employee who is entitled to participate in collective bargaining
6 under another law;

7 (9) an employee of the University System of Maryland, Morgan State
8 University, St. Mary's College of Maryland, or Baltimore City Community College who is:

9 (i) a chief administrator or in a comparable position;

10 (ii) a deputy, associate, or assistant administrator or in a
11 comparable position;

12 (iii) a member of the faculty, including a faculty librarian;

13 (iv) a student employee, including a teaching assistant or a
14 comparable position, fellow, or post doctoral intern;

15 (v) a contingent, contractual, temporary, or emergency employee,
16 **EXCEPT FOR ADJUNCT FACULTY AT THE UNIVERSITY OF MARYLAND UNIVERSITY**
17 **COLLEGE;**

18 (vi) a contingent, contractual, or temporary employee whose position
19 is funded through a research or service grant or contract, or through clinical revenues; or

20 (vii) an employee whose regular place of employment is outside the
21 State of Maryland;

22 (10) an employee whose participation in a labor organization would be
23 contrary to the State's ethics laws;

24 (11) any supervisory, managerial, or confidential employee of a unit of State
25 government listed in subsection (a)(1)(i) through (iv) and (vi) through (x) of this section, as
26 defined in regulations adopted by the Secretary;

27 (12) any supervisory, managerial, or confidential employee of a State
28 institution of higher education listed in subsection (a)(1)(v) of this section, as defined in
29 regulations adopted by the governing board of the institution; or

30 (13) any employee described in subsection (a)(2) of this section who is a
31 supervisory, managerial, or confidential employee, as defined in regulations adopted by the
32 Secretary.

1 3-403.

2 (d) (1) Each system institution, Morgan State University, St. Mary's College
3 of Maryland, and Baltimore City Community College shall have separate bargaining units.

4 (2) The presidents of the system institutions may agree to cooperate for the
5 purpose of collective bargaining:

6 (i) before the election of exclusive representatives; or

7 (ii) after the certification of exclusive representatives under §
8 3-406(a) of this subtitle.

9 (3) Appropriate bargaining units shall consist of:

10 (i) all eligible nonexempt employees, as described in the federal Fair
11 Labor Standards Act, except eligible sworn police officers;

12 (ii) all eligible exempt employees, as described in the federal Fair
13 Labor Standards Act; [and]

14 (iii) all eligible sworn police officers; **AND**

15 **(IV) ALL ADJUNCT FACULTY AT THE UNIVERSITY OF MARYLAND**
16 **UNIVERSITY COLLEGE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2018.