

HOUSE BILL 270

P4, F2
HB 199/18 – APP

9lr1194
CF SB 491

By: **Delegates Korman, Boyce, Healey, Hettleman, Ivey, Jalisi, Kelly, R. Lewis, Love, Luedtke, Moon, Palakovich Carr, Pena–Melynk, Pendergrass, Reznik, Shetty, Solomon, Stewart, Terrasa, and Valderrama**

Introduced and read first time: January 25, 2019

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2019

CHAPTER _____

1 AN ACT concerning

2 **Higher Education – Collective Bargaining – Graduate Assistants**
3 **(Graduate Assistant Collective Bargaining Fairness Act)**

4 FOR the purpose of providing collective bargaining rights to certain graduate assistants at
5 certain public institutions of higher education; altering certain exceptions to the
6 applicability of provisions of law governing collective bargaining for State employees;
7 establishing a separate collective bargaining unit for certain graduate assistants;
8 defining a certain term; altering a certain definition; and generally relating to
9 collective bargaining for graduate assistants at public institutions of higher
10 education.

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 2018 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (b) “Board” means:

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

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

10 (c) “Collective bargaining” means:

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

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

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

17 (ii) clarifying terms and conditions of employment;

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

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

22 (d) “Employee organization” means a labor or other organization in which State
23 employees **OR GRADUATE ASSISTANTS** participate and that has as one of its primary
24 purposes representing employees.

25 (e) “Exclusive representative” means an employee organization that has been
26 certified by the Board as an exclusive representative under Subtitle 4 of this title.

27 (f) **“GRADUATE ASSISTANT” MEANS A GRADUATE STUDENT AT A SYSTEM**
28 **INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**
29 **MARYLAND WHO IS A TEACHING, ADMINISTRATIVE, OR RESEARCH ASSISTANT, OR IN**
30 **A COMPARABLE POSITION, A FELLOW, OR A POSTDOCTORAL INTERN.**

31 (G) “President” means:

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

3 (2) with regard to a center or institute, as those terms are defined in §
4 12–101 of the Education Article, the president of the center or institute;

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

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

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

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

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

14 (3) the University System of Maryland Office.

15 3–102.

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

18 (1) all employees of:

19 (i) the principal departments within the Executive Branch of State
20 government;

21 (ii) the Maryland Insurance Administration;

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

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

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

26 (vi) the Comptroller;

27 (vii) the Maryland Transportation Authority who are not police
28 officers;

- 1 (viii) the State Retirement Agency;
- 2 (ix) the State Department of Education; and
- 3 (x) firefighters for the Martin State Airport at the rank of captain or
4 below who are employed by the Military Department; and
- 5 (2) all full-time Maryland Transportation Authority police officers at the
6 rank of first sergeant and below.

7 (b) This title does not apply to:

- 8 (1) employees of the Maryland Transit Administration, as that term is
9 defined in § 7-601(a)(2) of the Transportation Article;
- 10 (2) an employee who is elected to the position by popular vote;
- 11 (3) an employee in a position by election or appointment that is provided
12 for by the Maryland Constitution;
- 13 (4) an employee who is:
- 14 (i) a special appointment in the State Personnel Management
15 System; or
- 16 (ii) 1. directly appointed by the Governor by an appointment
17 that is not provided for by the Maryland Constitution;
- 18 2. appointed by or on the staff of the Governor or Lieutenant
19 Governor; or
- 20 3. assigned to the Government House or the Governor's
21 Office;
- 22 (5) an employee assigned to the Board or with access to records of the
23 Board;
- 24 (6) an employee in:
- 25 (i) the executive service of the State Personnel Management
26 System; or
- 27 (ii) a unit of the Executive Branch with an independent personnel
28 system who is:
- 29 1. the chief administrator of the unit or a comparable
30 position that is not excluded under item (3) of this subsection as a constitutional or elected

1 regulations adopted by the governing board of the institution; or

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

5 3-403.

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

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

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

11 (ii) after the certification of exclusive representatives under §
12 3-406(a) of this subtitle.

13 (3) Appropriate bargaining units shall consist of:

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

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

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

19 **(IV) ALL ELIGIBLE GRADUATE ASSISTANTS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.