

SENATE BILL 823

P4, F5

4lr1475
CF HB 493

By: **Senators Kramer, Benson, Elfreth, Hettleman, Jackson, Kelly, Lam, Muse, Rosapepe, Waldstreicher, A. Washington, M. Washington, and Watson**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Faculty, Part–Time Faculty, Post**
3 **Doctoral Associates, and Graduate Assistants**

4 FOR the purpose of providing collective bargaining rights to certain faculty, part–time
5 faculty, post doctoral associates, and graduate assistants at certain State
6 institutions of higher education; establishing separate collective bargaining units for
7 the faculty, part–time faculty, post doctoral associates, and graduate assistants;
8 altering the application of certain collective bargaining laws to supervisory,
9 managerial, and confidential employees of a State institution of higher education;
10 and generally relating to collective bargaining for faculty, part–time faculty, post
11 doctoral associates, and graduate students at public institutions of higher education.

12 BY repealing and reenacting, without amendments,
13 Article – State Government
14 Section 22–101(a)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 22–101(d)
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – State Personnel and Pensions
24 Section 3–101 and 3–102(b)(9) and (12) and (d)(2)
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – State Personnel and Pensions
3 Section 3–102(b)(10), (11), and (13)
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2023 Supplement)

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

8 **Article – State Government**

9 22–101.

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

11 (d) “Employee organization” means a labor organization in which public
12 employees **OR, AS DEFINED IN § 3–101 OF THE STATE PERSONNEL AND PENSIONS**
13 **ARTICLE, FACULTY, PART–TIME FACULTY, POST DOCTORAL ASSOCIATES, OR**
14 **GRADUATE ASSISTANTS** participate and that has as one of its primary purposes
15 representing public employees.

16 **Article – State Personnel and Pensions**

17 3–101.

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

19 (b) “Board” means the Public Employee Relations Board.

20 (c) “Chancellor” has the meaning stated in § 12–101 of the Education Article.

21 (d) “Collective bargaining” means:

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

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

26 2. incorporating the terms of the agreement in a written
27 memorandum of understanding or other written understanding; or

28 (ii) clarifying terms and conditions of employment;

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

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

4 (e) "Employee organization" has the meaning stated in § 22-101 of the State
5 Government Article.

6 (f) "Exclusive representative" has the meaning stated in § 22-101 of the State
7 Government Article.

8 **(G) (1) "FACULTY" MEANS EMPLOYEES OF A SYSTEM INSTITUTION,
9 MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF MARYLAND WHOSE
10 ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS,
11 SCIENTISTS, RESEARCHERS, ACADEMIC ADVISORS, DEPARTMENT HEADS,
12 DEPARTMENT CHAIRS, AND THOSE IN COMPARABLE POSITIONS.**

13 **(2) "FACULTY" DOES NOT INCLUDE OFFICERS, SUPERVISORY
14 EMPLOYEES, CONFIDENTIAL EMPLOYEES, PART-TIME FACULTY, POST DOCTORAL
15 ASSOCIATES, OR GRADUATE ASSISTANTS.**

16 **[(g)] (H) (1) "Faculty at the Maryland School for the Deaf" means employees
17 who have been granted the following status by the Board of Trustees of the Maryland
18 School for the Deaf:**

- 19 (i) after-school program counselors;
- 20 (ii) American Sign Language specialists;
- 21 (iii) athletic trainers;
- 22 (iv) behavior specialists;
- 23 (v) clerical aides;
- 24 (vi) dorm counselors;
- 25 (vii) employment specialists;
- 26 (viii) instructional technology resource specialists;
- 27 (ix) librarians;
- 28 (x) literacy and reading specialists;
- 29 (xi) occupational therapists;

- 1 (xii) orientation and mobility specialists;
- 2 (xiii) physical therapists;
- 3 (xiv) school counselors;
- 4 (xv) school IEP coordinators;
- 5 (xvi) school nurses;
- 6 (xvii) school social workers;
- 7 (xviii) speech–language pathologists;
- 8 (xix) student support specialists;
- 9 (xx) teachers;
- 10 (xxi) teacher aides;
- 11 (xxii) transition coordinators; and
- 12 (xxiii) work–to–learn specialists.

13 (2) “Faculty at the Maryland School for the Deaf” does not include officers
14 or supervisory employees at the Maryland School for the Deaf.

15 **(I) “GRADUATE ASSISTANT” MEANS A GRADUATE STUDENT AT A SYSTEM**
16 **INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**
17 **MARYLAND WHO IS A TEACHING, ADMINISTRATIVE, OR RESEARCH ASSISTANT, OR IN**
18 **A COMPARABLE POSITION, OR A FELLOW.**

19 **(J) “PART-TIME FACULTY” MEANS EMPLOYEES OF A SYSTEM INSTITUTION,**
20 **MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHOSE**
21 **ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS,**
22 **SCIENTISTS, RESEARCHERS, ACADEMIC ADVISORS, DEPARTMENT HEADS, AND**
23 **THOSE IN COMPARABLE POSITIONS WHO ARE DESIGNATED WITH PART-TIME**
24 **FACULTY STATUS BY THE PRESIDENT.**

25 **(K) “POST DOCTORAL ASSOCIATE” MEANS AN EMPLOYEE-TRAINEE AT A**
26 **SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**
27 **MARYLAND WHO IS A DOCTORAL DEGREE HOLDER WHOSE ASSIGNMENTS ARE**
28 **PRIMARILY RESEARCH OR IN A COMPARABLE POSITION.**

29 **[(h)] (L) “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 **[(i)] (M)** “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 (b) This title does not apply to:

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

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

20 (ii) a deputy, associate, or assistant administrator or in a
21 comparable position;

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

23 (iv) a] **AN UNDERGRADUATE** student employee[, including a
24 teaching assistant or a comparable position, fellow, or post doctoral intern];

25 **[(v)] (IV)** a contingent, contractual, temporary, or emergency
26 employee, **EXCEPT FOR PART-TIME FACULTY, A GRADUATE ASSISTANT, OR A POST**
27 **DOCTORAL ASSOCIATE;**

28 **[(vi)] (V)** a contingent, contractual, or temporary employee whose
29 position is funded through a research or service grant or contract, or through clinical

1 revenues, **EXCEPT FOR PART-TIME FACULTY, A GRADUATE ASSISTANT, OR A POST**
 2 **DOCTORAL ASSOCIATE**; or

3 **[(vii)] (VI)** an employee whose regular place of employment is outside
 4 the State of Maryland;

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

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

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

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

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

19 (ii) Appropriate bargaining units shall consist of:

20 1. all eligible nonexempt employees, as described in the
 21 federal Fair Labor Standards Act, except eligible sworn police officers;

22 2. all eligible exempt employees, as described in the federal
 23 Fair Labor Standards Act; **[and]**

24 3. all eligible sworn police officers;

25 4. **FACULTY**;

26 5. **PART-TIME FACULTY**;

27 6. **GRADUATE ASSISTANTS; AND**

28 7. **POST DOCTORAL ASSOCIATES.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 30 1, 2024.