

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 493  
Appropriations

(Delegate Foley, *et al.*)

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State Personnel - Collective Bargaining - Faculty, Part-Time Faculty, Post  
Doctoral Associates, and Graduate Assistants

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This bill authorizes collective bargaining rights for faculty, part-time faculty, post doctoral associates, and graduate assistants at the University System of Maryland (USM), Morgan State University (MSU), and St. Mary’s College of Maryland (SMCM). **The bill takes effect July 1, 2024.**

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Fiscal Summary

**State Effect:** Expenditures for USM institutions, MSU, and SMCM increase minimally to reimburse the Public Employee Relations Board (PERB) for collective bargaining expenses. Accordingly, PERB reimbursable revenues and expenditures increase minimally. In addition, USM, MSU, and SMCM administrative and personnel expenditures may increase, potentially significantly.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** Up to four bargaining units at each USM institution, MSU, and SMCM may be established: (1) one for faculty; (2) one for part-time faculty; and (3) one for post doctoral associates; and (4) one for all eligible graduate assistants.

“Faculty” is defined as employees of a USM institution, MSU, or SMCM whose assignments involve academic responsibilities, including teachers, scientists, researchers,

academic advisors, department heads, department chairs, and those in comparable positions. It does not include officers, supervisory employees, confidential employees, part-time faculty, post doctoral associates, or graduate assistants.

“Graduate assistant” is defined as a graduate student at a USM institution, MSU, or SMCM who is a teaching, administrative, or research assistant, or in or in a comparable position, or a fellow.

“Part-time faculty” is defined means employees of a USM institution, MSU, or SMCM whose assignments involve academic responsibilities, including teachers, scientists, researchers, academic advisors, department heads, and those in comparable position who are designated with part-time faculty status by the president.

“Post doctoral associate” is defined an employee-trainee at a USM institution, MSU, or SMCM who is a doctoral degree holder whose assignments are primarily research or in a comparable position.

### **Current Law:**

Chapter 341 of 2001 extended collective bargaining rights to many categories of higher education personnel at public four-year institutions of higher education and Baltimore City Community College (BCCC) but excluded all faculty and students from the benefit. In addition, contingent, contractual, temporary, or emergency employees are specifically excluded from collective bargaining. Also excluded are student employees, including a teaching assistant or a comparable position, fellow, or postdoctoral intern.

#### *Public Employee Relations Board*

The Public Employee Relations Act (Chapter 114 of 2023) substantially restructured collective bargaining by public employees, including the establishment of PERB, as the replacement of three separate boards including the State Higher Education Relations Board, to oversee collective bargaining for all public employees. PERB may investigate and take appropriate action in response to complaints of unfair labor practices, including strikes and lockouts. The State and its officers, employees, agents, or representatives are prohibited from engaging in unfair labor practices.

#### *University Employment and Compensation Policies*

USM institutions must follow various policies related to staff employment and compensation. For example, under [USM Policy II – 1.5 Policy on the Employment of Full-Time, Non-Tenure Track Instructional Faculty in the University System of Maryland](#) and [USM Policy II – 1.6 Policy on the Employment of Salaried, Part-time, Non-Tenure](#)

[Track Instructional Faculty in the University System of Maryland](#) every effort must be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.

Wages for graduate assistants are set by each institution. At USM institutions, institutions must follow [USM Policy III – 7.11 Policy on Graduate Assistantships](#). Under this policy, appointments may be made for appropriate periods of time, as determined by the institution. A graduate assistant may serve on a full-time, half-time, or other basis. A full-time assistant's responsibilities should take, on average, 20 hours per week. A half-time assistantship should require an average of 10 hours per week.

According to USM policy, each institution must establish stipend levels for graduate assistants that are competitive with peer institutions, to the extent allowed by available fiscal resources. Further, each institution must establish minimum stipend amounts annually, with discretion to award stipends above the minimum level.

#### *Certification of an Employee Organization*

In order to be certified, an employee organization must submit a petition showing that at least 30% of the eligible employees in a bargaining unit wish to be represented by the petitioning organization. Other employee organizations may participate in the election if they prove that 10% of the eligible employees in the bargaining unit wish to be represented by them. There must also be a provision for "no exclusive representative" on the ballot. PERB must conduct the election by secret ballot, which may be in person, by mail, or electronic. Interest in union representation can be shown by a union authorization card or a union membership card as specified.

An employee organization may request a preferred method of voting; if there is a dispute between two or more employee organizations, PERB may designate the method of voting.

PERB must certify as exclusive representative the employee organization receiving the votes in an election from a majority of the employees voting in the election.

#### **State Fiscal Effect:**

##### *Public Employee Relations Board*

PERB reimbursable revenues and expenditures increase minimally for each election. Actual revenues and expenditures depend on the number of elections held, the number of members, and the number and duration of any disputes. PERB anticipates increased costs to peak for three fiscal years (fiscal 2025 through 2027) and then taper off.

## *Higher Education Institutions*

Higher education expenditures increase minimally for USM institutions, MSU, and SMCM to reimburse PERB for expenses related to collective bargaining. Actual costs depend on whether eligible faculty, part-time faculty, post doctoral associates, and graduate assistants decide to collectively bargain and the actual reimbursable costs that can be assigned to the institutions.

Administrative expenditures may increase minimally at USM institutions, MSU, and SMCM to expand collective bargaining to eligible faculty, part-time faculty, post doctoral associates, and graduate assistants. Several institutions advise that additional full-time staff are necessary.

Salary expenditures for eligible faculty, part-time faculty, post doctoral associates, and graduate assistants may increase; however, any increases depend on actual negotiations and current salaries and benefits. Health and retirement benefit costs may also increase, to the extent they are negotiated. The State shares in the cost of salary and fringe benefit increases for State-supported employees at USM, MSU, and SMCM.

The University of Maryland, College Park Campus advises that, approximately 3,7000 employees currently have collective bargaining rights on campus and the bill adds 8,900 more. The University of Maryland Global Campus advises that approximately 4,300 adjunct faculty gain collective bargaining rights under the bill.

**Additional Comments:** Chapters 16 and 27 of the 2021 special session established a collective bargaining process for local community colleges and allowed for full-time and part-time faculty at all community colleges (including BCCC) to collectively bargain under the same process, with staggered implementation. Faculty and part-time faculty at BCCC can collectively bargain beginning October 1, 2024. Under Chapters 16 and 27, “faculty” refers to employees whose assignments involve academic responsibilities, including teachers and department heads. “Part-time faculty” refers to employees whose assignments involve academic responsibilities, including teachers, counselors, and department heads, who are designated with part-time faculty status by the president of the community college.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 275 and SB 247 of 2023; HB 751 and SB 118 of 2022; and SB 521 of 2021.

**Designated Cross File:** SB 823 (Senator Kramer, *et al.*) - Finance.

**Information Source(s):** University System of Maryland; Morgan State University; Public Employee Relations Board; Department of Legislative Services

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