
By: **Delegates Riley, Benson, Dembrow, Frush, Grosfeld, Heller, Hubbard,
Kelly, Owings, Paige, and Sophocleus**
Introduced and read first time: February 4, 2002
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Higher Education - Collective Bargaining - Faculty and**
3 **Other Employees**

4 FOR the purpose of expanding collective bargaining to include specified State
5 employees of the University System of Maryland, Morgan State University, St.
6 Mary's College, and the Baltimore City Community College; establishing certain
7 collective bargaining units; and generally relating to collective bargaining for
8 faculty and other higher education employees.

9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 3-102 and 3-403
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2001 Supplement)

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

16 **Article - State Personnel and Pensions**

17 3-102.

18 (a) Except as provided in this title or as otherwise provided by law, this title
19 applies to all employees of:

- 20 (1) the principal departments within the Executive Branch of State
21 government;
- 22 (2) the Maryland Insurance Administration;
- 23 (3) the State Department of Assessments and Taxation;
- 24 (4) the State Lottery Agency; and

1 (5) the University System of Maryland, Morgan State University, St.
2 Mary's College of Maryland, and Baltimore City Community College.

3 (b) This title does not apply to:

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

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

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

9 (4) an employee who is:

10 (i) a special appointee in the State Personnel Management
11 System; or

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

14 2. appointed by or on the staff of the Governor or Lieutenant
15 Governor; or

16 3. assigned to the Government House or the Governor's
17 Office;

18 (5) an employee assigned to the Board or with access to records of the
19 Board;

20 (6) an employee in:

21 (i) the executive service of the State Personnel Management
22 System; or

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

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

28 2. a deputy or assistant administrator of the unit or a
29 comparable position;

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

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

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

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

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

7 (ii) a deputy, associate, or assistant administrator or in a
8 comparable position;

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

10 (iv) a student employee, including a teaching assistant or a
11 comparable position, fellow, or post doctoral intern;]

12 [(v)] (III) a contingent, contractual, temporary, or emergency
13 employee;

14 [(vi)] (IV) a contingent, contractual, or temporary employee whose
15 position is funded through a research or service grant or contract, or through clinical
16 revenues; or

17 [(vii)] (V) an employee whose regular place of employment is outside
18 the State of Maryland;

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

21 (11) any supervisory, managerial, or confidential employee of a unit of
22 State government listed in subsection (a)(1) through (4) of this section, as defined in
23 regulations adopted by the Secretary; or

24 (12) any supervisory, managerial, or confidential employee of a State
25 institution of higher education listed in subsection (a)(5) of this section, as defined in
26 regulations adopted by the governing board of the institution.

27 3-403.

28 (a) (1) Except as otherwise provided in this title, the Board shall determine
29 the appropriateness of each bargaining unit.

30 (2) If there is no dispute about the appropriateness of the establishment
31 of the bargaining unit, the Board shall issue an order defining an appropriate
32 bargaining unit.

33 (3) If there is a dispute about the appropriateness of the establishment of
34 the bargaining unit, the Board shall:

35 (i) conduct a hearing; and

1 (ii) issue an order defining an appropriate bargaining unit.

2 (b) If the appropriate bargaining unit as determined by the Board differs from
3 the bargaining unit described in the petition, the Board may:

4 (1) dismiss the petition; or

5 (2) direct an election in the appropriate bargaining unit if the signatures
6 included in the petition include those of at least 30% of the employees in the
7 appropriate bargaining unit.

8 (c) A bargaining unit shall consist only of employees defined in regulations
9 adopted by the Secretary and not specifically excluded by § 3-102(b) of this title.

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

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

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

16 (ii) after the certification of exclusive representatives under §
17 3-406(a) of this title.

18 (3) Appropriate bargaining units shall consist of:

19 (i) all eligible nonexempt employees, as described in the Federal
20 Fair Labor Standards Act, except eligible sworn police officers;

21 (ii) all eligible exempt employees, as described in the Federal Fair
22 Labor Standards Act; [and]

23 (iii) all eligible sworn police officers;

24 (IV) ALL ELIGIBLE FACULTY MEMBERS; AND

25 (V) ALL ELIGIBLE NONFACULTY TEACHING STAFF, GRADUATE
26 EMPLOYEES, AND RESEARCH EMPLOYEES.

27 (e) (1) Except as provided in paragraph (2) of this subsection, the Secretary
28 or the Secretary's designee shall have the authority to assign classification titles and
29 positions to bargaining units as appropriate.

30 (2) The following individuals and entities shall assign classification
31 titles and positions to bargaining units at the following institutions:

32 (i) at a system institution, the President of the system institution;
33 and

1 (ii) at Morgan State University, St. Mary's College of Maryland, or
2 Baltimore City Community College, the governing board of the institution.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2002.