

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 163
Appropriations

(Delegate B. Barnes)

University of Maryland University College - Collective Bargaining - Adjunct
Faculty

This bill authorizes all adjunct faculty, excluding graduate students, at the University of Maryland University College (UMUC) to collectively bargain. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Reimbursable revenues and expenditures increase by an estimated \$8,800 per election. UMUC expenditures increase by an estimated \$2 per eligible adjunct faculty worker to reimburse the State Higher Education Labor Relations Board (SHELRB) for collective bargaining expenses. In addition, UMUC administrative and personnel expenditures may increase, potentially significantly.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Adjunct faculty” is defined as an employee at UMUC who serves in any nonpermanent position in which student instruction is a primary duty. Graduate students are specifically excluded.

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.

SHELRB is responsible for enforcing collective bargaining laws with respect to employees of the University System of Maryland (USM), Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and BCCC. UMUC is a constituent institution of USM.

SHELRB may investigate and take appropriate action in response to complaints of unfair labor practices and lockouts. Among the nine unfair labor practices included in statute is refusing to bargain in good faith. The State and its officers, employees, agents, or representatives are prohibited from engaging in unfair labor practices.

Background: Since 2001, most of the bargaining units for State higher education employees have elected an exclusive representative. In 2015, there were 39 bargaining units from 15 public higher education institutions certified as “eligible for exclusive representative election” by SHELRB.

The administration of SHELRB was consolidated with the State Labor Relations Board in 2006, and the proposed fiscal 2019 State budget includes \$417,670 and three full-time regular positions for the administration of the boards, including the Public School Labor Relations Board. Of that, \$92,418 is reimbursable funds from institutions of higher education, and the remainder is State general funds.

According to the National Center for the Study of Collective Bargaining in Higher Education and the Professions' directory published in 2012, in the United States, approximately 370,000 faculty members at 639 institutions of higher education and 64,400 graduate student employees at 28 institutions were represented by a union. The majority were employed at a public institution, and slightly more than half of the organized faculty worked on a full-time basis.

UMUC is one of 11 degree-granting institutions in USM. UMUC provides undergraduate and graduate education through both on-site and online courses. UMUC reports that it has 4,424 adjunct faculty employed in the United States and additional adjunct faculty for its international programs.

Inside Higher Ed reported in 2016 that, due to collective bargaining, adjunct faculty at Northeastern University negotiated a new contract with salary increases of 12% over three years. A 2011 study published in the *Journal of Labor Research* found that the collective bargaining rights for faculty at two-year institutions of higher education increased basic salary by 2.8% and total salary by 3.0%.

State Fiscal Effect:

State Higher Education Labor Relations Board

SHELRB reimbursable revenues and expenditures increase by an estimated \$8,848 per election. SHELRB advises that postage for election ballots and election supplies are required. These costs are approximately \$2 per eligible adjunct faculty member. This estimate assumes that there are approximately 4,424 eligible adjunct faculty. It is assumed that international adjunct faculty are covered by local laws regarding collective bargaining.

University of Maryland University College

Higher education expenditures increase for UMUC to reimburse SHELRB for expenses related to collective bargaining. For the purposes of this estimate, it is assumed that UMUC expenditures increase by an estimated \$2 per eligible adjunct faculty member; however, actual costs depend on whether eligible adjunct faculty decide to collectively bargain and the actual reimbursable costs that can be assigned to UMUC.

Administrative expenditures may increase minimally at UMUC to expand collective bargaining to eligible adjunct faculty.

Salary expenditures for eligible UMUC adjunct faculty may increase significantly; however, actual increases will depend on actual negotiations and current salaries and benefits. *For illustrative purposes*, UMUC advises that, if adjunct faculty collectively bargained for a \$1,000 increase in pay in addition to the currently assumed 2% pay increase on the adjunct pay scale, UMUC expenditures would increase an estimated \$5.7 million annually. The State shares in the cost of salary and fringe benefits for State-supported employees of USM, MSU, and SMCM. Thus, general fund expenditures may increase.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Higher Education Labor Relations Board; University System of Maryland; University of Maryland University College; *Inside Higher Ed*; Department of Budget and Management; Department of Legislative Services

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