

Department of Legislative Services
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2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 199
Appropriations

(Delegate Korman, *et al.*)

Higher Education - Collective Bargaining - Graduate Assistants (Graduate Assistant Collective Bargaining Fairness Act)

This bill authorizes graduate assistants at the University System of Maryland (USM), St. Mary's College of Maryland (SMCM), and Morgan State University (MSU) to collectively bargain.

Fiscal Summary

State Effect: Reimbursable revenues and expenditures increase by an estimated \$11,700 per election. USM institutions, SMCM, and MSU expenditures increase by an estimated \$2 per eligible graduate assistant worker to reimburse the State Higher Education Labor Relations Board (SHELRB) for collective bargaining expenses. In addition, USM, SMCM, and MSU administrative and personnel expenditures may increase.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: "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 a comparable position; a fellow; or a postdoctoral intern.

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 USM, MSU, SMCM, and BCCC.

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.

Collective bargaining at public institutions is governed by State law. Collective bargaining at private institutions is governed by the federal National Labor Relations Act (NLRA). In 2016, the National Labor Relations Board (NLRB) ruled that “student teaching assistants” and “student research assistants” at private universities are employees under NLRA and, therefore, have the right to form a union and bargain collectively.

According to the Coalition of Graduate Employee Unions, there are currently 33 recognized graduate student unions and many more that are in the process of seeking recognition from their university employers. As reported by NLRB in 2016, more than 64,000 graduate student employees are unionized at 28 public higher education institutions, including in California, Florida, Illinois, Iowa, Massachusetts, Michigan, Oregon, Pennsylvania, and Washington.

A 2010 study found that union contracts increase stipends for teaching assistants, although there was no statistically significant effect for research assistants. Unionized graduate student employees report higher perceptions of pay fairness; however, actual increases in pay of unionized graduate students is unknown. 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%.

Wages for graduate assistants are set by each institution. For fiscal 2018, the minimum graduate assistant pay at the University of Maryland, College Park Campus was approximately \$15,300 for a full nine-month assistantship.

State Fiscal Effect:

State Higher Education Labor Relations Board

SHELRB reimbursable revenues and expenditures increase by an estimated \$11,658 per election. SHELRB advises that postage for election ballots and election supplies are required. These costs are approximately \$2 per eligible graduate assistant. This estimate assumes that there are approximately 5,829 eligible graduate assistants. In fiscal 2017, USM had approximately 5,829 “graduate assistants”; it is assumed that the majority will qualify to collectively bargain. SMCM had no eligible graduate assistants. It is unknown how many graduate assistants are at MSU, but during the 2015-2016 academic year, there were 1,406 graduate students.

Higher Education Institutions

Higher education expenditures increase for USM institutions, MSU, and SMCM to reimburse SHELRB for expenses related to collective bargaining. For the purposes of this estimate, it is assumed that USM institutions, MSU, and SMCM expenditures increase by an estimated \$2 per eligible graduate assistant; however, actual costs depend on whether eligible 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 graduate assistants.

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

Additional Information

Prior Introductions: None.

Cross File: SB 560 (Senator Manno, *et al.*) - Finance.

Information Source(s): St. Mary's College of Maryland; Department of Budget and Management; State Higher Education Labor Relations Board; University System of Maryland; Coalition of Graduate Employee Unions; Economic Policy Institute; Department of Legislative Services

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