

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 1143
Appropriations

(Delegate Acevero, *et al.*)

Higher Education - Collective Bargaining - Tenured Faculty, Adjunct Faculty,
and Graduate Student Employees

This bill extends collective bargaining to tenured or tenure-track faculty, adjunct faculty, and graduate student employees working at the constituent institutions of the University System of Maryland (USM), Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and Baltimore City Community College (BCCC). The bill authorizes the establishment of three additional bargaining units at each higher education institution, one for tenured or tenure-track faculty, a second for adjunct faculty, and a third for graduate student employees. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: Reimbursable revenues and expenditures increase by an estimated \$38,000 per election. USM institutions, SMCM, MSU, and BCCC expenditures increase by an estimated \$2 per eligible employee to reimburse the State Higher Education Labor Relations Board (SHELRB) for collective bargaining expenses. In addition, USM, SMCM, MSU, and BCCC administrative and personnel expenditures including State retirement may increase.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Tenured or tenure-track faculty, adjunct faculty, and graduate student employees do not have collective bargaining rights through their positions with State institutions of higher education.

SHELRB is responsible for enforcing collective bargaining laws with respect to employees of USM institutions, SMCM, MSU, 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: Chapter 341 of 2001 extended collective bargaining rights to many categories of higher education personnel at public four-year institutions of higher education and 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.

The law also established SHELRB to oversee collective bargaining between institutions and the higher education bargaining units and to hear disputes between them.

Since enactment in 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. 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. Once SHELRB certifies a petition, an election by secret ballot must be held within 90 days.

The administration of SHELRB was consolidated with the State Labor Relations Board in 2006, and the proposed fiscal 2020 State budget includes \$434,517 and three full-time regular positions for the administration of the boards, including the Public School Labor Relations Board. Of that, \$94,770 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, the most recent available data, in the United States, approximately 370,000 faculty members at 519 institutions of higher education were represented by a union. About half (48%) of the covered faculty were in two states, California and New York. Nearly all of them (93%) were employed at a public institution, and slightly more than half worked on a full-time basis. Nationally, just over half were employed by two-year institutions. Finally, thousands more faculty participate in

nonbargaining units and roughly 60,000 (graduate student employees) are covered by contracts.

Inside Higher Ed reported in 2016 that, due to collective bargaining, adjunct faculty at Northeastern University, a four-year institution, 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 Expenditures:

State Higher Education Labor Relations Board

SHELRB reimbursable revenues and expenditures increase by an estimated \$37,996 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 18,998 eligible workers, as shown in **Exhibit 1**.

Current law excludes an employee whose regular place of employment is outside the State of Maryland from collective bargaining under Chapter 341; this bill does not change this exclusion. Therefore, some employees, including those employed by the University of Maryland University College, may continue to be excluded from collectively bargaining under the bill.

Exhibit 1
Number of Graduate Assistants and Faculty per Institution

<u>Institutions</u>	<u>Graduate Assistants</u>	<u>Full-time Faculty</u>	<u>Part-time Faculty</u>	<u>Total</u>
University System of Maryland Institutions				
University of Maryland, College Park Campus	4,109	1,803	772	6,684
University of Maryland, Baltimore Campus	428	411	686	1,525
Bowie State University	0	219	222	441
Towson University	261	902	758	1,921
University of Maryland Eastern Shore	91	219	107	417
Frostburg State University	87	259	128	474
Coppin State University	1	132	135	268
University of Baltimore	41	195	223	459
Salisbury University	104	410	226	740
University of Maryland University College	6	200	3,237	3,443
University of Maryland Baltimore County	613	538	278	1,429
Other Public Four-year Institutions				
Morgan State University	79	461	237	777
St. Mary's College of Maryland	0	146	44	190
Baltimore City Community College	0	103	127	230
Total	5,820	5,998	7,180	18,998

Note: According to the reporting standards for this data, graduate assistants are considered part-time employees and should be classified in the occupational category in which the majority of their work is performed. The Integrated Postsecondary Education Data System only collects information for graduate assistants working in a subset of the occupational categories. Those primarily performing duties in other categories should be excluded. Some individuals who would qualify under the bill may not be captured in this dataset.

Source: Fall 2017 Graduate Assistants, Integrated Postsecondary Education Data System; Fall 2016 Faculty, Maryland Higher Education Commission; Department of Legislative Services

Higher Education Institutions

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

whether eligible employees 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, SMCM, and BCCC to collectively bargain with newly eligible employees.

Salary expenditures for eligible employees 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. The State shares in the cost of salary and fringe benefit increases for State-supported employees at USM, MSU, and SMCM (as part of SMCM's funding formula). BCCC would have to fund any such additional costs within its formula funding and from tuition revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Labor Relations Boards; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Higher Education Commission; National Center for the Study of Collective Bargaining in Higher Education and the Professions; *Inside Higher Ed*; Department of Legislative Services

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