SENATE BILL 118

P4, P6
SB 521/21 – FIN
(PRE–FILED)

By: Senator Kramer
Requested: October 15, 2021
Introduced and read first time: January 12, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

State Personnel – Collective Bargaining

FOR the purpose of providing collective bargaining rights to certain graduate assistants at certain public institutions of higher education; establishing a separate collective bargaining unit for the graduate assistants; and generally relating to collective bargaining for graduate assistants at public institutions of higher education.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101, 3–102, and 3–403(d)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – State Personnel and Pensions


(a) In this title the following words have the meanings indicated.

(b) “Board” means:

(1) with regard to any matter relating to employees of any of the units of State government described in § 3–102(a)(1)(i) through (iv) and (vi) through (xi) of this subtitle and employees described in § 3–102(a)(2) and (3) of this subtitle, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education Labor Relations Board.

(c) “Collective bargaining” means:

(1) good faith negotiations by authorized representatives of employees and their employer with the intention of:

(i) 1. reaching an agreement about wages, hours, and other terms and conditions of employment; and

(ii) 2. incorporating the terms of the agreement in a written memorandum of understanding or other written understanding; or

(2) administration of terms and conditions of employment; or

(3) the voluntary adjustment of a dispute or disagreement between authorized representatives of employees and their employer that arises under a memorandum of understanding or other written understanding.

(d) “Employee organization” means a labor or other organization in which State employees OR GRADUATE ASSISTANTS participate and that has as one of its primary purposes representing employees.

(e) “Exclusive representative” means an employee organization that has been certified by the Board as an exclusive representative under Subtitle 4 of this title.

(f) (1) “Faculty at the Maryland School for the Deaf” means employees who have been granted the following status by the Board of Trustees of the Maryland School for the Deaf:

(i) after–school program counselors;

(ii) American Sign Language specialists;

(iii) athletic trainers;

(iv) behavior specialists;

(v) clerical aides;

(vi) dorm counselors;

(vii) employment specialists;
(viii) instructional technology resource specialists;
(ix) librarians;
(x) literacy and reading specialists;
(xi) occupational therapists;
(xii) orientation and mobility specialists;
(xiii) physical therapists;
(xiv) school counselors;
(xv) school IEP coordinators;
(xvi) school nurses;
(xvii) school social workers;
(xviii) speech–language pathologists;
(xix) student support specialists;
(xx) teachers;
(xxi) teacher aides;
(xxii) transition coordinators; and
(xxiii) work–to–learn specialists.

(2) “Faculty at the Maryland School for the Deaf” does not include officers or supervisory employees at the Maryland School for the Deaf.

(G) “GRADUATE ASSISTANT” MEANS A GRADUATE STUDENT AT A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHO IS A TEACHING, ADMINISTRATIVE, OR RESEARCH ASSISTANT, OR IN A COMPARABLE POSITION, A FELLOW, OR A POSTDOCTORAL INTERN.

[(g)] (H) “President” means:

(1) with regard to a constituent institution, as defined in § 12–101 of the Education Article, the president of the constituent institution;

(2) with regard to a center or institute, as those terms are defined in §
(3) with regard to the University System of Maryland Office, the Chancellor of the University System of Maryland; and

(4) with regard to Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College, the president of the institution.

[(h)] (I) “System institution” means:

(1) a constituent institution, as defined in § 12–101 of the Education Article;

(2) a center or institute, as those terms are defined in § 12–101 of the Education Article; and

(3) the University System of Maryland Office.

3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to:

(1) all employees of:

(i) the principal departments within the Executive Branch of State government;

(ii) the Maryland Insurance Administration;

(iii) the State Department of Assessments and Taxation;

(iv) the State Lottery and Gaming Control Agency;

(v) the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College;

(vi) the Comptroller;

(vii) the Maryland Transportation Authority who are not police officers;

(viii) the State Retirement Agency;

(ix) the State Department of Education;

(x) the Maryland Environmental Service; and
(xi) the Maryland School for the Deaf;

(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; and

(3) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

(b) This title does not apply to:

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

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

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

(4) an employee who is:

   (i) a special appointment in the State Personnel Management System; or

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

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

   3. assigned to the Government House or the Governor’s Office;

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

(6) an employee in:

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

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

   1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or
SENATE BILL 118

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

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

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

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

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

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

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

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

(iv) [a] AN UNDERGRADUATE student employee[. including a teaching assistant or a comparable position, fellow, or post doctoral intern];

(v) a contingent, contractual, temporary, or emergency employee, EXCEPT FOR A GRADUATE ASSISTANT;

(vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues, EXCEPT FOR A GRADUATE ASSISTANT; or

(vii) an employee whose regular place of employment is outside the State of Maryland;

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

(11) any supervisory, managerial, or confidential employee of a unit of State government listed in subsection (a)(1)(i) through (iv) and (vi) through (xi) of this section, as defined in regulations adopted by the Secretary;

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section, as defined in regulations adopted by the governing board of the institution; or
(13)任何雇员，指在本节(a)(2)款所描述的雇员中，包括监督、管理或机密雇员，如由秘书制定的规则所定义。

3–403。

(d) (1)每个系统机构，包括莫根州立大学、圣玛丽学院、马里兰州立大学和巴尔的摩市社区学院，应建立单独的谈判单位。

(2)系统机构的校长可以同意合作进行集体谈判：

(i)在选举独代表之前；或

(ii)在根据§3–406(a)的认证独代表之后。

(3)适当的谈判单位应当包括：

(i)除合格的警察之外的所有非豁免雇员，即联邦《公平劳动标准法》中所描述的雇员；

(ii)联邦《公平劳动标准法》中所描述的合格的豁免雇员；

(iii)合格的警察人员；以及

(IV)所有合格的研究生助手。

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.