

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 751

(Delegate Foley, *et al.*)

Appropriations

State Personnel - Collective Bargaining

This bill authorizes graduate assistants at the University System of Maryland (USM), Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) to collectively bargain. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Expenditures for USM institutions and MSU increase minimally to reimburse the State Higher Education Labor Relations Board (SHELRB) for collective bargaining expenses. Accordingly, SHELRB reimbursable revenues and expenditures increase minimally. In addition, USM and MSU administrative and personnel expenditures may increase, potentially significantly. SMCM is likely not affected, as explained below.

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.

Wages for graduate assistants are set by each institution. At USM institutions, institutions must follow [USM Policy III – 7.11 Policy on Graduate Assistantships](#). Under this policy, appointments may be made for appropriate periods of time, as determined by the institution. A graduate assistant may serve on a full-time, half-time, or other basis. A full-time assistant's responsibilities should take, on average, 20 hours per week. A half-time assistantship should require an average of 10 hours per week.

According to USM policy, each institution must establish stipend levels for graduate assistants at levels that are competitive with peer institutions, to the extent allowed by available fiscal resources. Further, each institution must establish minimum stipend amounts annually, with discretion to award stipends above the minimum level.

State Fiscal Effect:

State Higher Education Labor Relations Board

SHELRB reimbursable revenues and expenditures increase minimally for each election. SHELRB estimates costs of approximately \$1,500 in fiscal 2022 and \$500 in fiscal 2023. SHELRB assumes no additional costs through fiscal 2026, although the Department of Legislative Services advises that reimbursable costs may increase, depending on the number of elections held and cases filed.

Higher Education Institutions

Higher education expenditures increase minimally for USM institutions and MSU to reimburse SHELRB for expenses related to collective bargaining. SMCM expenditures only increase to the extent it has graduate assistants who qualify under the bill; SMCM has one small master's degree program and has reported no graduate assistants in the most recent available data. 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 and MSU 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 and MSU (and SMCM).

Additional Information

Prior Introductions: This legislation has been introduced in 2021 (SB 521), 2020 (HB 214/SB 658), 2019 (HB 270/SB 491), and 2018 (HB 199/SB 560). The bills received hearings in the House Appropriations Committee or Senate Finance Committee, but each bill was subsequently withdrawn or no further action was taken.

Designated Cross File: SB 118 (Senator Kramer) - Finance.

Information Source(s): State Higher Education Labor Relations Board; University System of Maryland; St. Mary's College of Maryland; Department of Legislative Services

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