

# HOUSE BILL 493

P4, F5

4lr1474  
CF 4lr1475

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By: **Delegates Foley, Lehman, Acevero, Bhandari, Boaf, Charkoudian, Edelson, Forbes, Fraser-Hidalgo, Guyton, Guzzone, Harris, Harrison, A. Johnson, Kaufman, J. Lewis, J. Long, Lopez, Martinez, McCaskill, Palakovich Carr, Pasteur, Rogers, Ruth, Shetty, Simmons, Simpson, Solomon, Spiegel, Stewart, Terrasa, Turner, Vogel, Williams, Wims, Wolek, Wu, and Young**

Introduced and read first time: January 24, 2024

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Faculty, Part-Time Faculty, Post**  
3 **Doctoral Associates, and Graduate Assistants**

4 FOR the purpose of providing collective bargaining rights to certain faculty, part-time  
5 faculty, post doctoral associates, and graduate assistants at certain State  
6 institutions of higher education; establishing separate collective bargaining units for  
7 the faculty, part-time faculty, post doctoral associates, and graduate assistants;  
8 altering the application of certain collective bargaining laws to supervisory,  
9 managerial, and confidential employees of a State institution of higher education;  
10 and generally relating to collective bargaining for faculty, part-time faculty, post  
11 doctoral associates, and graduate students at public institutions of higher education.

12 BY repealing and reenacting, without amendments,  
13 Article – State Government  
14 Section 22–101(a)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – State Government  
19 Section 22–101(d)  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – State Personnel and Pensions  
24 Section 3–101 and 3–102(b)(9) and (12) and (d)(2)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2023 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – State Personnel and Pensions  
5 Section 3–102(b)(10), (11), and (13)  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2023 Supplement)

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

10 **Article – State Government**

11 22–101.

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

13 (d) “Employee organization” means a labor organization in which public  
14 employees **OR, AS DEFINED IN § 3–101 OF THE STATE PERSONNEL AND PENSIONS**  
15 **ARTICLE, FACULTY, PART-TIME FACULTY, POST DOCTORAL ASSOCIATES, OR**  
16 **GRADUATE ASSISTANTS** participate and that has as one of its primary purposes  
17 representing public employees.

18 **Article – State Personnel and Pensions**

19 3–101.

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

21 (b) “Board” means the Public Employee Relations Board.

22 (c) “Chancellor” has the meaning stated in § 12–101 of the Education Article.

23 (d) “Collective bargaining” means:

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

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

28 2. incorporating the terms of the agreement in a written  
29 memorandum of understanding or other written understanding; or

30 (ii) clarifying terms and conditions of employment;

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

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

5           (e) “Employee organization” has the meaning stated in § 22–101 of the State  
6 Government Article.

7           (f) “Exclusive representative” has the meaning stated in § 22–101 of the State  
8 Government Article.

9           **(G) (1) “FACULTY” MEANS EMPLOYEES OF A SYSTEM INSTITUTION,**  
10 **MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHOSE**  
11 **ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS,**  
12 **SCIENTISTS, RESEARCHERS, ACADEMIC ADVISORS, DEPARTMENT HEADS,**  
13 **DEPARTMENT CHAIRS, AND THOSE IN COMPARABLE POSITIONS.**

14           **(2) “FACULTY” DOES NOT INCLUDE OFFICERS, SUPERVISORY**  
15 **EMPLOYEES, CONFIDENTIAL EMPLOYEES, PART-TIME FACULTY, POST DOCTORAL**  
16 **ASSOCIATES, OR GRADUATE ASSISTANTS.**

17           **[(g)] (H) (1) “Faculty at the Maryland School for the Deaf” means employees**  
18 **who have been granted the following status by the Board of Trustees of the Maryland**  
19 **School for the Deaf:**

20                   (i) after–school program counselors;

21                   (ii) American Sign Language specialists;

22                   (iii) athletic trainers;

23                   (iv) behavior specialists;

24                   (v) clerical aides;

25                   (vi) dorm counselors;

26                   (vii) employment specialists;

27                   (viii) instructional technology resource specialists;

28                   (ix) librarians;

29                   (x) literacy and reading specialists;

- 1 (xi) occupational therapists;
- 2 (xii) orientation and mobility specialists;
- 3 (xiii) physical therapists;
- 4 (xiv) school counselors;
- 5 (xv) school IEP coordinators;
- 6 (xvi) school nurses;
- 7 (xvii) school social workers;
- 8 (xviii) speech–language pathologists;
- 9 (xix) student support specialists;
- 10 (xx) teachers;
- 11 (xxi) teacher aides;
- 12 (xxii) transition coordinators; and
- 13 (xxiii) work–to–learn specialists.

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

16 **(I) “GRADUATE ASSISTANT” MEANS A GRADUATE STUDENT AT A SYSTEM**  
17 **INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**  
18 **MARYLAND WHO IS A TEACHING, ADMINISTRATIVE, OR RESEARCH ASSISTANT, OR IN**  
19 **A COMPARABLE POSITION, OR A FELLOW.**

20 **(J) “PART-TIME FACULTY” MEANS EMPLOYEES OF A SYSTEM INSTITUTION,**  
21 **MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHOSE**  
22 **ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS,**  
23 **SCIENTISTS, RESEARCHERS, ACADEMIC ADVISORS, DEPARTMENT HEADS, AND**  
24 **THOSE IN COMPARABLE POSITIONS WHO ARE DESIGNATED WITH PART-TIME**  
25 **FACULTY STATUS BY THE PRESIDENT.**

26 **(K) “POST DOCTORAL ASSOCIATE” MEANS AN EMPLOYEE-TRAINEE AT A**  
27 **SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**  
28 **MARYLAND WHO IS A DOCTORAL DEGREE HOLDER WHOSE ASSIGNMENTS ARE**  
29 **PRIMARILY RESEARCH OR IN A COMPARABLE POSITION.**

1           **[h] (L)**       “President” means:

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

4                   (2)     with regard to a center or institute, as those terms are defined in §  
5 12–101 of the Education Article, the president of the center or institute;

6                   (3)     with regard to the University System of Maryland Office, the  
7 Chancellor of the University System of Maryland; and

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

10           **[i] (M)**       “System institution” means:

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

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

15                   (3)     the University System of Maryland Office.

16 3–102.

17           (b)     This title does not apply to:

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

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

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

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

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

26                   **[(v)] (IV)**   a contingent, contractual, temporary, or emergency  
27 employee, **EXCEPT FOR PART-TIME FACULTY, A GRADUATE ASSISTANT, OR A POST**  
28 **DOCTORAL ASSOCIATE;**



1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2   1, 2024.