

10 AN ACT CONCERNING

20 **Higher Education – Collective Bargaining – Graduate Student Employees**

30 FOR the purpose of providing collective bargaining rights to adjunct faculty and graduate
40 students in public institutions of higher education; establishing separate collective
50 bargaining units for certain adjunct faculty and certain graduate students; and generally
60 relating to collective bargaining for employees of public institutions of higher education.

70 BY adding to,
80 Article – State Personnel and Pensions
90 Section 3–101, 3–102, and 3–403(d)
100 Annotated Code of Maryland (2004 Replacement Volume and 2007 Supplement)

110 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
120 That the Laws of Maryland read as follows:

130 Article – State Personnel and Pensions
140 Section 3–101

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

160 (b) “Board” means:

170 (1) with regard to any matter relating to employees of any of the units of State
180 government described in §3–102(a)(1) through(4) of this subtitle, the State Labor
190 Relations Board; and

200 (2) with regard to any matter relating to employees of any State institution of higher
210 education described in § 3–102(a)(5) of this subtitle, the State Higher Education
220 Labor Relations Board.

230 (c) “Collective bargaining” means:

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

260 (i) 1. reaching an agreement about wages, hours, and other terms and
270 conditions of employment; and 2. incorporating the terms of the agreement in a
280 written memorandum of understanding or other written understanding; or

290 (ii) clarifying terms and conditions of employment;

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

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

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

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

380 **(F) “GRADUATE STUDENT EMPLOYEE” MEANS A GRADUATE STUDENT AT A**
390 **SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF**
400 **MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, WHO IS A TEACHING**
410 **ASSISTANT, RESEARCH ASSISTANT, ADMINISTRATIVE ASSISTANT, OR IN A**
420 **COMPARABLE POSITION, FELLOW, OR POST-DOCTORAL INTERN.**

430 [(f)] **(G)** “President” means:

- 440 (1) with regard to a constituent institution, as defined in § 12–101 of the Education
450 Article, the president of the constituent institution;
- 460 (2) with regard to a center or institute, as those terms are defined in § 12–101 of the
470 Education Article, the president of the center or institute;
- 480 (3) with regard to the University System of Maryland Office, the Chancellor of the
490 University System of Maryland; and
- 500 (4) with regard to Morgan State University, St. Mary’s College of Maryland, and
510 Baltimore City Community College, the president of the institution.

520 [(g)] **(H)** “System institution” means:

- 530 (1) a constituent institution, as defined in § 12–101 of the Education Article;
- 540 (2) a center or institute, as those terms are defined in § 12–101 of the Education
550 Article; and
- 560 (3) the University System of Maryland Office.

570 Section 3–102.

580 (a) Except as provided in this title or as otherwise provided by law, this title applies to all
590 employees of:

- 600 (1) the principal departments within the Executive Branch of State government;
- 610 (2) the Maryland Insurance Administration;
- 620 (3) the State Department of Assessments and Taxation;
- 630 (4) the State Lottery Agency; and
- 640 (5) the University System of Maryland, Morgan State University, St. Mary’s College
650 of Maryland, and Baltimore City Community College.

660 (b) This title does not apply to:

- 670 (1) employees of the Maryland Transit Administration, as that term is defined in
680 § 7–601(a)(2) of the Transportation Article;
- 690 (2) an employee who is elected to the position by popular vote;
- 700 (3) an employee in a position by election or appointment that is provided for by the
710 Maryland Constitution;
- 720 (4) an employee who is:
 - 730 (i) a special appointment in the State Personnel Management System; or
 - 740 (ii) 1. directly appointed by the Governor by an appointment that is not

750 provided for by the Maryland Constitution; 2. appointed by or on the staff of
760 the Governor or Lieutenant Governor; or 3. assigned to the Government House
770 or the Governor's Office;

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

790 (6) an employee in:

800 (i) the executive service of the State Personnel Management System; or
810 (ii) a unit of the Executive Branch with an independent personnel system who
820 is: 1. the chief administrator of the unit or a comparable position that is not
830 excluded under item (3) of this subsection as a constitutional or elected office;
840 or 2. a deputy or assistant administrator of the unit or a comparable position;

850 (7) (i) a temporary or contractual employee in the State Personnel Management
860 System; or
870 (ii) a contractual, temporary, or emergency employee in a unit of the Executive
880 Branch with an independent personnel system;

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

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

930 (i) a chief administrator or in a comparable position;
940 (ii) a deputy, associate, or assistant administrator or in a comparable position;
950 (iii) a member of the **TENURED OR TENURE TRACK** faculty, including a faculty
960 librarian;

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

990 (v) a contingent, contractual, temporary, or emergency employee, **EXCEPT**
1000 **FOR ADJUNCT FACULTY AND GRADUATE STUDENT EMPLOYEES**;

1010 (vi) a contingent, contractual, or temporary employee whose position is funded
1020 through a research or service grant or contract, or through clinical revenues,
1030 **EXCEPT FOR ADJUNCT FACULTY AND GRADUATE STUDENT**
1040 **EMPLOYEES**; or

1050 (vii) an employee whose regular place of employment is outside the State of
1060 Maryland;

1070 (10) an employee whose participation in a labor organization would be contrary to
1080 the State's ethics laws;

1090 (11) any supervisory, managerial, or confidential employee of a unit of State
1100 government listed in subsection (a)(1) through (4) of this section, as defined in
1110 regulations adopted by the Secretary; or

1120 (12) any supervisory, managerial, or confidential employee of a State institution of
1130 higher education listed in subsection (a)(5) of this section, as defined in regulations
1140 adopted by the governing board of the institution.

1150 Section 3-403.

1160 (d) (1) Each system institution, Morgan State University, St. Mary's College of
1170 Maryland, and Baltimore City Community College shall have separate bargaining
1180 units.

- 1190 (2) The presidents of the system institutions may agree to cooperate for the purpose
1200 of collective bargaining:
1210 (i) before the election of exclusive representatives; or
1220 (ii) after the certification of exclusive representatives under § 3–406(a) of this
1230 subtitle.
1240 (3) Appropriate bargaining units shall consist of:
1250 (i) all eligible nonexempt employees, as described in the federal Fair Labor
1260 Standards Act, except eligible sworn police officers;
1270 (ii) all eligible exempt employees, as described in the federal Fair Labor
1280 Standards Act; [and]
1290 (iii) all eligible sworn police officers;
1300 **(iv) ALL ADJUNCT FACULTY OR ANY FACULTY THAT HAS SIMILAR**
1310 **STATUS AND DUTIES AS ADJUNCT FACULTY; AND**
1320 **(v) ALL GRADUATE STUDENT EMPLOYEES.**

1330 SECTION 2. AND BE IT FURTHER ENACTED,
1340 That this Act shall take effect July 1, 2010.

1350 MANDATES: Martin O’Malley, Governor of Maryland;
1360 Anthony G. Brown, Lieutenant Governor of Maryland;
1370 Thomas V. Mike Miller, President of the Senate;
1380 Michael E. Busch, Speaker of the House of Delegates;
1390 James E. Lyons, Sr., Secretary of Higher Education of Maryland;
1400 William E. Kirwan, Chancellor of the University System of Maryland.

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