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SB 491/19 – FIN					CF H	HB 214
P4, F2					0)lr2520

By: Senators Kramer, Augustine, Benson, Carter, Ellis, Feldman, Hayes, Kelley, Pinsky, Rosapepe, Smith, Washington, and Young

Introduced and read first time: February 3, 2020 Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2Higher Education - Collective Bargaining - Graduate Assistants3(Graduate Assistant Collective Bargaining Fairness Act)

- FOR the purpose of providing collective bargaining rights to certain graduate assistants at
 certain public institutions of higher education; altering certain exceptions to the
 applicability of provisions of law governing collective bargaining for State employees;
 establishing a separate collective bargaining unit for certain graduate assistants;
 defining a certain term; altering a certain definition; and generally relating to
 collective bargaining for graduate assistants at public institutions of higher
 education.
- 11 BY repealing and reenacting, with amendments,
- 12 Article State Personnel and Pensions
- 13 Section 3–101, 3–102, and 3–403(d)
- 14 Annotated Code of Maryland
- 15 (2015 Replacement Volume and 2019 Supplement)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:
- 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:
- 22 (1) with regard to any matter relating to employees of any of the units of 23 State government described in § 3-102(a)(1)(i) through (iv) and (vi) through (x) of this

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



subtitle and employees described in § 3–102(a)(2) of this subtitle, the State Labor Relations
 Board; and

3 (2) with regard to any matter relating to employees of any State institution
4 of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education
5 Labor Relations Board.

6 (c) "Collective bargaining" means:

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

9 (i) 1. reaching an agreement about wages, hours, and other 10 terms and conditions of employment; and

11 2. incorporating the terms of the agreement in a written
 12 memorandum of understanding or other written understanding; or

13

- (ii) clarifying terms and conditions of employment;
- 14 (2) administration of terms and conditions of employment; or

15 (3) the voluntary adjustment of a dispute or disagreement between 16 authorized representatives of employees and their employer that arises under a 17 memorandum of understanding or other written understanding.

18 (d) "Employee organization" means a labor or other organization in which State 19 employees **OR GRADUATE ASSISTANTS** participate and that has as one of its primary 20 purposes representing employees.

21 (e) "Exclusive representative" means an employee organization that has been 22 certified by the Board as an exclusive representative under Subtitle 4 of this title.

(f) "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.

27 (G) "President" means:

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

30 (2) with regard to a center or institute, as those terms are defined in § 31 12–101 of the Education Article, the president of the center or institute;

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$\frac{1}{2}$		(3) ' the U		regard to the University System of Maryland Office, the sity System of Maryland; and						
$\frac{3}{4}$		(4) Id Bal	with regard to Morgan State University, St. Mary's College of Itimore City Community College, the president of the institution.							
5	[(g)] (H	I)	"Syste	em institution" means:						
$6 \\ 7$	Article;	(1)	a con	constituent institution, as defined in § $12-101$ of the Education						
8 9	Education Ar	(2) ticle;	a center or institute, as those terms are defined in § 12–101 of the and							
10		(3)	the U	niversity System of Maryland Office.						
11	3–102.									
12 13	(a) applies to:	Excep	ot as p	rovided in this title or as otherwise provided by law, this title						
14		(1)	all en	nployees of:						
$\begin{array}{c} 15\\ 16 \end{array}$	government;		(i)	the principal departments within the Executive Branch of State						
17			(ii)	the Maryland Insurance Administration;						
18			(iii)	the State Department of Assessments and Taxation;						
19			(iv)	the State Lottery and Gaming Control Agency;						
$\begin{array}{c} 20\\ 21 \end{array}$	St. Mary's Co	llege	(v) of Mar	the University System of Maryland, Morgan State University, ryland, and Baltimore City Community College;						
22			(vi)	the Comptroller;						
$\begin{array}{c} 23\\ 24 \end{array}$	officers;		(vii)	the Maryland Transportation Authority who are not police						
25			(viii)	the State Retirement Agency;						
26			(ix)	the State Department of Education; and						
$\begin{array}{c} 27\\ 28 \end{array}$	below who ar	e emp	(x) oloyed	firefighters for the Martin State Airport at the rank of captain or by the Military Department; and						

4 **SENATE BILL 658** 1 all full-time Maryland Transportation Authority police officers at the (2) $\mathbf{2}$ rank of first sergeant and below. 3 (b) This title does not apply to: 4 employees of the Maryland Transit Administration, as that term is (1)defined in § 7-601(a)(2) of the Transportation Article; $\mathbf{5}$ 6 an employee who is elected to the position by popular vote; (2)7 (3)an employee in a position by election or appointment that is provided 8 for by the Maryland Constitution; 9 (4) an employee who is: 10 (i) a special appointment in the State Personnel Management 11 System; or 12(ii) directly appointed by the Governor by an appointment 1. that is not provided for by the Maryland Constitution; 132.appointed by or on the staff of the Governor or Lieutenant 1415Governor; or assigned to the Government House or the Governor's 163. Office: 1718 (5)an employee assigned to the Board or with access to records of the 19 Board; 20(6)an employee in: 21(i) the executive service of the State Personnel Management 22System; or 23(ii) a unit of the Executive Branch with an independent personnel 24system who is: 251. the chief administrator of the unit or a comparable 26position that is not excluded under item (3) of this subsection as a constitutional or elected 27office; or 282.a deputy or assistant administrator of the unit or a 29comparable position; 30 (7)a temporary or contractual employee in the State Personnel (i) Management System; or 31

1 a contractual, temporary, or emergency employee in a unit of the (ii) $\mathbf{2}$ Executive Branch with an independent personnel system; 3 (8)an employee who is entitled to participate in collective bargaining under another law; 4 $\mathbf{5}$ an employee of the University System of Maryland, Morgan State (9)6 University, St. Mary's College of Maryland, or Baltimore City Community College who is: 7 (i) a chief administrator or in a comparable position; 8 a deputy, associate, or assistant administrator or in a (ii) 9 comparable position; 10 a member of the faculty, including a faculty librarian; (iii) [a] AN UNDERGRADUATE student employee[, including a 11 (iv) 12teaching assistant or a comparable position, fellow, or post-doctoral intern]; 13(v) a contingent, contractual, temporary, or emergency employee. 14EXCEPT FOR A GRADUATE ASSISTANT: 15a contingent, contractual, or temporary employee whose position (vi) is funded through a research or service grant or contract, or through clinical revenues, 1617EXCEPT FOR A GRADUATE ASSISTANT; or 18 an employee whose regular place of employment is outside the (vii) 19State of Maryland; 20an employee whose participation in a labor organization would be (10)contrary to the State's ethics laws; 2122any supervisory, managerial, or confidential employee of a unit of State (11)23government listed in subsection (a)(1)(i) through (iv) and (vi) through (x) of this section, as 24defined in regulations adopted by the Secretary; 25any supervisory, managerial, or confidential employee of a State (12)26institution of higher education listed in subsection (a)(1)(v) of this section, as defined in 27regulations adopted by the governing board of the institution; or 28any employee described in subsection (a)(2) of this section who is a (13)29supervisory, managerial, or confidential employee, as defined in regulations adopted by the 30 Secretary. 31 3 - 403.

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$\frac{1}{2}$	(d) (1) Each system institution, Morgan State University, St. M of Maryland, and Baltimore City Community College shall have separate bar	•				
$\frac{3}{4}$	(2) The presidents of the system institutions may agree to cooperate for the purpose of collective bargaining:					
5	(i) before the election of exclusive representatives; or					
$6 \\ 7$	(ii) after the certification of exclusive representate 3–406(a) of this subtitle.	ives under §				
8	(3) Appropriate bargaining units shall consist of:					
9 10	(i) all eligible nonexempt employees, as described in the Labor Standards Act, except eligible sworn police officers;	e federal Fair				
$\begin{array}{c} 11 \\ 12 \end{array}$	(ii) all eligible exempt employees, as described in the Labor Standards Act; [and]	e federal Fair				
13	(iii) all eligible sworn police officers; AND					
14	(IV) ALL ELIGIBLE GRADUATE ASSISTANTS.					
$\begin{array}{c} 15\\ 16 \end{array}$		ke effect July				