

# SENATE BILL 491

P4, F2  
SB 560/18 – FIN

9lr2512  
CF HB 270

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By: **Senators Rosapepe, Benson, Ellis, Feldman, McCray, Pinsky, Smith, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Collective Bargaining – Graduate Assistants**  
3 **(Graduate Assistant Collective Bargaining Fairness Act)**

4 FOR the purpose of providing collective bargaining rights to certain graduate assistants at  
5 certain public institutions of higher education; altering certain exceptions to the  
6 applicability of provisions of law governing collective bargaining for State employees;  
7 establishing a separate collective bargaining unit for certain graduate assistants;  
8 defining a certain term; altering a certain definition; and generally relating to  
9 collective bargaining for graduate assistants at public institutions of higher  
10 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 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

27 (G) “President” means:

28 (1) with regard to a constituent institution, as defined in § 12–101 of the  
29 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;

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

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

5 **[(g)] (H)** "System institution" means:

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

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

10 (3) the University System of Maryland Office.

11 3-102.

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

14 (1) all employees of:

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

17 (ii) the Maryland Insurance Administration;

18 (iii) the State Department of Assessments and Taxation;

19 (iv) the State Lottery and Gaming Control Agency;

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

22 (vi) the Comptroller;

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

25 (viii) the State Retirement Agency;

26 (ix) the State Department of Education; and

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



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

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

3 (2) The presidents of the system institutions may agree to cooperate for the  
4 purpose of collective bargaining:

5 (i) before the election of exclusive representatives; or

6 (ii) after the certification of exclusive representatives under §  
7 3-406(a) of this subtitle.

8 (3) Appropriate bargaining units shall consist of:

9 (i) all eligible nonexempt employees, as described in the federal Fair  
10 Labor Standards Act, except eligible sworn police officers;

11 (ii) all eligible exempt employees, as described in the federal Fair  
12 Labor Standards Act; [and]

13 (iii) all eligible sworn police officers; **AND**

14 **(IV) ALL ELIGIBLE GRADUATE ASSISTANTS.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2019.