

HOUSE BILL 211

P4, F5

(PRE-FILED)

5lr0756
CF SB 166

By: **Delegates Foley, Charkoudian, Fair, Feldmark, Healey, Kaufman, Korman, Lehman, Palakovich Carr, Pena-Melnyk, Pruski, Ruth, Terrasa, Vogel, Williams, Wims, and Woorman**

Requested: September 3, 2024

Introduced and read first time: January 8, 2025

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 4, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Graduate Assistants ~~and Postdoctoral~~**
3 **~~Associates~~**

4 FOR the purpose of providing collective bargaining rights to certain graduate assistants
5 ~~and postdoctoral associates~~ at certain public institutions of higher education;
6 establishing a separate collective bargaining ~~units~~ unit for the graduate assistants
7 ~~and postdoctoral associates~~; and generally relating to collective bargaining for
8 graduate assistants ~~and postdoctoral associates~~ at public institutions of higher
9 education.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 3–101 and 3–102(b)(9) and (d)(2)
13 Annotated Code of Maryland
14 (2024 Replacement Volume and 2024 Supplement)

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

17 **Article – State Personnel and Pensions**

18 3–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

(d) “Collective bargaining” means:

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

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

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

(ii) clarifying terms and conditions of employment;

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

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

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

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

(g) (1) “Faculty at the Maryland School for the Deaf” means employees who have been granted the following status by the Board of Trustees of the Maryland School for the Deaf:

(i) after-school program counselors;

(ii) American Sign Language specialists;

(iii) athletic trainers;

(iv) behavior specialists;

(v) clerical aides;

(vi) dorm counselors;

- (vii) employment specialists;
- (viii) instructional technology resource specialists;
- (ix) librarians;
- (x) literacy and reading specialists;
- (xi) occupational therapists;
- (xii) orientation and mobility specialists;
- (xiii) physical therapists;
- (xiv) school counselors;
- (xv) school IEP coordinators;
- (xvi) school nurses;
- (xvii) school social workers;
- (xviii) speech–language pathologists;
- (xix) student support specialists;
- (xx) teachers;
- (xxi) teacher aides;
- (xxii) transition coordinators; and
- (xxiii) work–to–learn specialists.

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

(H) “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, ~~OR A FELLOW, OR A POSTDOCTORAL INTERN.~~

~~**(I) “POSTDOCTORAL ASSOCIATE” MEANS AN EMPLOYEE TRAINEE AT A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF**~~

~~MARYLAND WHO IS A DOCTORAL DEGREE HOLDER WHOSE ASSIGNMENTS ARE
PRIMARILY RESEARCH OR A COMPARABLE POSITION.~~

~~[(h)]~~ ~~(H)~~ (I) “President” means:

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

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

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

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

~~[(i)]~~ ~~(H)~~ (J) “System institution” means:

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

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

(3) the University System of Maryland Office.

3–102.

(b) This title does not apply to:

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

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

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

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

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

(v) a contingent, contractual, temporary, or emergency employee,
EXCEPT FOR A GRADUATE ASSISTANT OR A POSTDOCTORAL ASSOCIATE;

(vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues, **EXCEPT FOR A GRADUATE ASSISTANT OR A POSTDOCTORAL ASSOCIATE**; or

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

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

(ii) Appropriate bargaining units shall consist of:

1. all eligible nonexempt employees, as described in the federal Fair Labor Standards Act, except eligible sworn police officers;

2. all eligible exempt employees, as described in the federal Fair Labor Standards Act; **[and]**

3. all eligible sworn police officers; **AND**

4. **ALL ELIGIBLE GRADUATE ASSISTANTS; AND**

~~5. ALL ELIGIBLE POSTDOCTORAL ASSOCIATES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.