

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 658  
Finance

(Senator Kramer, *et al.*)

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**Higher Education - Collective Bargaining - Graduate Assistants (Graduate Assistant Collective Bargaining Fairness Act)**

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This bill authorizes graduate assistants at the University System of Maryland (USM), St. Mary's College of Maryland (SMCM), and Morgan State University (MSU) to collectively bargain. **The bill takes effect July 1, 2020.**

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**Fiscal Summary**

**State Effect:** Expenditures for USM institutions, SMCM, and MSU increase minimally to reimburse the State Higher Education Labor Relations Board (SHELRB) for collective bargaining expenses. Accordingly, SHELRB reimbursable revenues and expenditures increase minimally. In addition, USM, SMCM, and MSU administrative and personnel expenditures may increase, potentially significantly.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** "Graduate assistant" is defined as a graduate student at a USM institution, MSU, or SMCM who is a teaching, administrative, or research assistant, or in a comparable position; a fellow; or a postdoctoral intern.

**Current Law:** Chapter 341 of 2001 extended collective bargaining rights to many categories of higher education personnel at public four-year institutions of higher education and Baltimore City Community College (BCCC) but excluded all faculty and students from

the benefit. In addition, contingent, contractual, temporary, or emergency employees are specifically excluded from collective bargaining. Also excluded are student employees, including a teaching assistant or a comparable position, fellow, or postdoctoral intern.

SHELRB is responsible for enforcing collective bargaining laws with respect to employees of USM, MSU, SMCM, and BCCC.

SHELRB may investigate and take appropriate action in response to complaints of unfair labor practices and lockouts. Among the nine unfair labor practices included in statute is refusing to bargain in good faith. The State and its officers, employees, agents, or representatives are prohibited from engaging in unfair labor practices.

**Background:** Since 2001, most of the bargaining units for State higher education employees have elected an exclusive representative. In 2015, there were 39 bargaining units from 15 public higher education institutions certified as “eligible for exclusive representative election” by SHELRB.

The administration of SHELRB was consolidated with the State Labor Relations Board in 2006, and the proposed fiscal 2021 State budget includes \$428,356 and three full-time regular positions for the administration of the boards, including the Public School Labor Relations Board. Of that, \$94,456 is reimbursable funds from institutions of higher education, and the remainder is State general funds.

Collective bargaining at public institutions is governed by State law. Collective bargaining at private institutions is governed by the federal National Labor Relations Act (NLRA). In 2016, the National Labor Relations Board (NLRB) ruled that “student teaching assistants” and “student research assistants” at private universities are employees under NLRA and, therefore, have the right to form a union and bargain collectively. However, the board decided to reverse that decision in September 2019, the third time it has changed its stance on graduate students in 20 years, when it published a proposed rule stating that undergraduate and graduate students (at private institutions) are exempt from its jurisdiction; thus, prohibiting these individuals from collectively bargaining.

According to *Inside Higher Ed*, as of 2019, 32 public institutions of higher education have contracts with graduate student unions, representing about 66,000 graduate assistants. In addition, five private institutions of higher education have graduate student union contracts, one of which predates the 2016 NLRB decision. These unions may be required to dissolve under the most recent NLRB rule.

A 2010 study found that union contracts increase stipends for teaching assistants, although there was no statistically significant effect for research assistants. Unionized graduate student employees report higher perceptions of pay fairness; however, actual increases in

pay of unionized graduate students are unknown. A 2011 study published in the *Journal of Labor Research* found that the collective bargaining rights for faculty at two-year institutions of higher education increased basic salary by 2.8% and total salary by 3.0%.

Wages for graduate assistants are set by each institution. At USM institutions, institutions must follow [USM Policy III – 7.11 Policy on Graduate Assistantships](#). Under this policy, appointments may be made for appropriate periods of time, as determined by the institution. A graduate assistant may serve on a full-time, half-time, or other basis. A full-time assistant’s responsibilities should take, on average, 20 hours per week. A half-time assistantship should require an average of 10 hours per week.

According to USM policy, each institution must establish stipend levels for graduate assistants at levels that are competitive with peer institutions, to the extent allowed by available fiscal resources. Further, each institution must establish minimum stipend amounts annually, with discretion to award stipends above the minimum level.

As of July 1, 2019, the [minimum graduate assistant pay](#) at the University of Maryland, College Park Campus was approximately \$17,800 for a full nine-month assistantship.

As shown in **Exhibit 1**, as of fall 2018, public four-year institutions reported 5,943 “graduate assistants” as defined by the Integrated Postsecondary Education Data System; it is assumed that the majority will qualify to collectively bargain. Some individuals who qualify as “graduate assistants” under the bill may not be captured in this dataset.

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**Exhibit 1**  
**Number of Graduate Assistants per Institution**  
**Fall 2018**

| <u><b>Institutions</b></u>                  | <u><b>Graduate Assistants</b></u> |
|---|-----------------------------------|
| University System of Maryland Institutions  |                                   |
| University of Maryland, College Park Campus | 4,188                             |
| University of Maryland, Baltimore Campus    | 417                               |
| Bowie State University                      | 42                                |
| Towson University                           | 270                               |
| University of Maryland Eastern Shore        | 88                                |
| Frostburg State University                  | 75                                |
| Coppin State University                     | 1                                 |
| University of Baltimore                     | 39                                |
| Salisbury University                        | 102                               |
| University of Maryland University College*  | 6                                 |
| University of Maryland Baltimore County     | 651                               |
| <br>  |                                   |
| Other Public Four-year Institutions         |                                   |
| Morgan State University                     | 64                                |
| St. Mary's College of Maryland              | 0                                 |
| <br>  |                                   |
| <b>Total Graduate Assistants Fall 2018</b>  | <b>5,943</b>                      |

\*Renamed the University of Maryland Global Campus as of July 1, 2019.

Note: According to the reporting standards for this data, graduate assistants are considered part-time employees and should be classified in the occupational category in which the majority of their work is performed. The Integrated Postsecondary Education Data System only collects information for graduate assistants working in a subset of the occupational categories. Those primarily performing duties in other categories should be excluded. Some individuals who would qualify under the bill may not be captured in this dataset.

Source: Integrated Postsecondary Education Data System; Department of Legislative Services

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## **State Fiscal Effect:**

### *State Higher Education Labor Relations Board*

SHELRB reimbursable revenues and expenditures increase minimally for each election. SHELRB estimates costs of approximately \$1,500 in fiscal 2021 and \$500 in fiscal 2022. SHELRB assumes no additional costs through fiscal 2025, although the Department of Legislative Services advises that reimbursable costs may increase, depending on the number of elections held and cases filed.

### *Higher Education Institutions*

Higher education expenditures increase minimally for USM institutions, MSU, and SMCM to reimburse SHELRB for expenses related to collective bargaining. SMCM expenditures only increase to the extent it has graduate assistants that qualify under the bill; as shown in Exhibit 1, SMCM reported no graduate assistants in fiscal 2018. Actual costs depend on whether eligible graduate assistants decide to collectively bargain and the actual reimbursable costs that can be assigned to the institutions.

Administrative expenditures may increase minimally at USM institutions, MSU, and potentially SMCM to expand collective bargaining to eligible graduate assistants.

Salary expenditures for eligible graduate assistants may increase; however, actual increases will depend on actual negotiations and current salaries and benefits. Health and retirement benefit costs may also increase, to the extent they are negotiated for graduate assistants. The State shares in the cost of salary and fringe benefit increases for State-supported employees at USM, MSU, and SMCM.

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## **Additional Information**

**Prior Introductions:** HB 270 of 2019 passed in the House but received no further action from the Senate Finance Committee. Its cross file, SB 419 of 2019 received a hearing in the Senate Finance Committee, but no further action was taken. HB 199 of 2018 received a hearing in the House Appropriations Committee but was subsequently withdrawn. Its cross file, SB 560 of 2018, received a hearing in the Senate Finance Committee, but no further action was taken.

**Designated Cross File:** HB 214 (Delegate Korman, *et al.*) - Appropriations.

**Information Source(s):** Maryland State Labor Relations Boards; University System of Maryland; Department of Budget and Management; Integrated Postsecondary Education

Data System; National Labor Relations Board; *Journal of Labor Research*; *Inside Higher Ed*; Department of Legislative Services

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