

# HOUSE BILL 211

P4, F5

(PRE-FILED)

5lr0756  
CF SB 166

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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

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## A BILL ENTITLED

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 separate collective bargaining units for the graduate assistants and  
7 postdoctoral associates; and generally relating to collective bargaining for graduate  
8 assistants and postdoctoral associates at public institutions of higher education.

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

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

16 **Article – State Personnel and Pensions**

17 3–101.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) “Collective bargaining” means:

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

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

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

8 (ii) clarifying terms and conditions of employment;

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

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

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

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

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

20 (i) after–school program counselors;

21 (ii) American Sign Language specialists;

22 (iii) athletic trainers;

23 (iv) behavior specialists;

24 (v) clerical aides;

25 (vi) dorm counselors;

26 (vii) employment specialists;

27 (viii) instructional technology resource specialists;

28 (ix) librarians;

- 1 (x) literacy and reading specialists;
- 2 (xi) occupational therapists;
- 3 (xii) orientation and mobility specialists;
- 4 (xiii) physical therapists;
- 5 (xiv) school counselors;
- 6 (xv) school IEP coordinators;
- 7 (xvi) school nurses;
- 8 (xvii) school social workers;
- 9 (xviii) speech–language pathologists;
- 10 (xix) student support specialists;
- 11 (xx) teachers;
- 12 (xxi) teacher aides;
- 13 (xxii) transition coordinators; and
- 14 (xxiii) work–to–learn specialists.

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

17 (H) “GRADUATE ASSISTANT” MEANS A GRADUATE STUDENT AT A SYSTEM  
18 INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF  
19 MARYLAND WHO IS A TEACHING, ADMINISTRATIVE, OR RESEARCH ASSISTANT, OR IN  
20 A COMPARABLE POSITION, OR A FELLOW.

21 (I) “POSTDOCTORAL ASSOCIATE” MEANS AN EMPLOYEE–TRAINEE AT A  
22 SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF  
23 MARYLAND WHO IS A DOCTORAL DEGREE HOLDER WHOSE ASSIGNMENTS ARE  
24 PRIMARILY RESEARCH OR A COMPARABLE POSITION.

25 [(h)] (J) “President” means:

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

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

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

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

7 **[(i)] (K)** “System institution” means:

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

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

12 (3) the University System of Maryland Office.

13 3–102.

14 (b) This title does not apply to:

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

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

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

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

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

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

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

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

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

4 (ii) Appropriate bargaining units shall consist of:

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

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

9 3. all eligible sworn police officers;

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

11 5. **ALL ELIGIBLE POSTDOCTORAL ASSOCIATES.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2025.