

HOUSE BILL 661

P4, F5

5lr2140
CF 5lr2219

By: **Delegates Foley, Acevero, Bartlett, Charkoudian, Feldmark, Healey, Kaufman, Korman, Lehman, Lopez, Palakovich Carr, Pasteur, Pena-Melnyk, Ruth, Spiegel, Terrasa, Vogel, Williams, Wims, Wolek, Woorman, and Ziegler**

Introduced and read first time: January 24, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Faculty**

3 FOR the purpose of providing collective bargaining rights to certain faculty at certain State
4 institutions of higher education; establishing separate collective bargaining units for
5 certain faculty; authorizing the bargaining units to combine into a single bargaining
6 unit; and generally relating to collective bargaining for faculty at public institutions
7 of higher education.

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 22–101(a)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 22–101(d)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Personnel and Pensions
20 Section 3–101 and 3–102(b)(9) and (12) and (d)(2)
21 Annotated Code of Maryland
22 (2024 Replacement Volume and 2024 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – State Personnel and Pensions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 3–102(b)(10), (11), and (13)
Annotated Code of Maryland
(2024 Replacement Volume and 2024 Supplement)

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

Article – State Government

22–101.

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

(d) “Employee organization” means a labor organization in which public employees **OR FACULTY, AS DEFINED IN § 3–101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE**, participate and that has as one of its primary purposes representing public employees.

Article – State Personnel and Pensions

3–101.

(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” MEANS FULL–TIME, PART–TIME, OR ADJUNCT EMPLOYEES OF A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHOSE ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS, RESEARCHERS, AND DEPARTMENT HEADS AND THOSE IN COMPARABLE POSITIONS.

(2) “FACULTY” INCLUDES TENURE TRACK, NONTENURE TRACK, AND TENURED EMPLOYEES.

(3) “FACULTY” DOES NOT INCLUDE OFFICERS, SUPERVISORY EMPLOYEES, CONFIDENTIAL EMPLOYEES, OR STUDENT EMPLOYEES.

[(g)] (H) (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)] (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)] (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 student employee, including a teaching assistant or a comparable position, fellow, or post doctoral intern;

[(v)] (IV) a contingent, contractual, temporary, or emergency employee, **EXCEPT FOR FACULTY**;

[(vi)] (V) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues, **EXCEPT FOR FACULTY**; or

[(vii)] (VI) an employee whose regular place of employment is outside the State of Maryland, **EXCEPT FOR FACULTY**;

(10) an employee whose participation in a labor organization would be contrary to the State's ethics laws;

(11) any managerial or confidential employee of a unit of State government listed in subsection (a)(1)(i) through (iv) and (vi) through (xii) of this section, as defined in regulations adopted by the Secretary;

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section[, as defined in regulations adopted by the governing board of the institution]; or

(13) any employee described in subsection (a)(2) of this section who is a supervisory, managerial, or confidential employee, as defined in regulations adopted by the Secretary.

(d) (2) (i) [Each] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, 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;

4. **FACULTY, EXCEPT CONTINGENT, CONTRACTUAL, OR TEMPORARY FACULTY; AND**

5. **CONTINGENT, CONTRACTUAL, OR TEMPORARY FACULTY.**

(III) THE BARGAINING UNITS DESCRIBED IN SUBPARAGRAPH (II) 4 AND 5 OF THIS PARAGRAPH MAY CHOOSE TO COMBINE INTO A SINGLE BARGAINING UNIT.

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