



HOUSE APPROPRIATIONS COMMITTEE

House Bill 211

State Personnel – Collective Bargaining – Graduate Assistants and Postdoctoral Associates

January 21, 2025

Sherri Roxas, Senior Director of Labor

Unfavorable

Chair Barnes, Vice Chair Chang and members of the committee, thank you for the opportunity to offer testimony on House Bill 211.

On behalf of the University System of Maryland (USM) we respectfully oppose House Bill 211 as written. The USM is comprised of twelve distinguished institutions, and three regional centers. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution. There are over 6,100 graduate assistants across the USM.

While some may argue that House Bill 211 is simply enabling legislation that will give certain groups the choice of whether to organize or not, the issue is more nuanced. The practical reality is that there are union groups both at the table and on the sidelines supporting this legislation who stand to benefit financially and who will begin that organizing work immediately despite what employees at each of the campuses actually want.

Beyond that, the process for electing an exclusive representative is structured in such a way that the actions and interests of a minority could bind the entire bargaining unit. Signatures collected on showing-of-interest forms are valid for 18 months. If a union collects showing-of-interest forms signed by at least 30 percent of the eligible employees in a proposed unit, an election will be held by secret ballot. The election's outcome is determined by a simple majority of the valid votes cast in the election, regardless of the size of the proposed unit. The decision of the simple majority will bind all employees who are eligible to vote, regardless of whether they do vote.

If, on the other hand, a union collects showing-of-interest forms signed by more than 50 percent of the eligible employees, the exclusive representative will be immediately recognized. No election will be held, and employees will have no opportunity to vote by secret ballot. This means that an employee is bound by a decision they may have made 18 months ago without the opportunity to re-evaluate.

There are some additional concerns and challenges with this bill as written. House Bill 211 would establish broadly defined bargaining units which lack the requisite community of interest for appropriate and effective bargaining. There are significant differences in the functions, responsibilities, and expectations for research graduate assistants as compared to teaching or administrative graduate assistants. In establishing proper bargaining units, the general tenets of labor law require that the positions in the unit share a sufficient community of interest such that they may reasonably be grouped together for purposes of collective bargaining. Further, nothing in this bill would restrict these newly established units from electing to negotiate on a consolidated basis if

represented by the same exclusive representative – something we would argue is not appropriate for these units.

For all the foregoing reasons, and as expressed in any separate testimony submitted on behalf of the USM, we respectfully urge an unfavorable report on House Bill 211 as written.

