

# HOUSE BILL 106

P4, F5

(PRE-FILED)

6lr0945  
CF SB 6

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By: ~~Delegate Foley~~ Delegates Foley, Lehman, Ruth, Solomon, Stewart, and Terrasa

Requested: September 24, 2025

Introduced and read first time: January 14, 2026

Assigned to: Government, Labor, and Elections

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,  
9 Article – State Personnel and Pensions  
10 Section 3–101 and 3–102(b)(9) and (12) and (d)(2)  
11 Annotated Code of Maryland  
12 (2024 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article – State Personnel and Pensions  
15 Section 3–102(b)(10), (11), and (13)  
16 Annotated Code of Maryland  
17 (2024 Replacement Volume and 2025 Supplement)

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

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### 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.



**Article – State Personnel and Pensions**

1  
2 3–101.

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

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

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

6 (d) “Collective bargaining” means:

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

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

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

13 (ii) clarifying terms and conditions of employment;

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

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

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

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

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

25 (i) after–school program counselors;

26 (ii) American Sign Language specialists;

27 (iii) athletic trainers;

28 (iv) behavior specialists;

- 1 (v) clerical aides;
- 2 (vi) dorm counselors;
- 3 (vii) employment specialists;
- 4 (viii) instructional technology resource specialists;
- 5 (ix) librarians;
- 6 (x) literacy and reading specialists;
- 7 (xi) occupational therapists;
- 8 (xii) orientation and mobility specialists;
- 9 (xiii) physical therapists;
- 10 (xiv) school counselors;
- 11 (xv) school IEP coordinators;
- 12 (xvi) school nurses;
- 13 (xvii) school social workers;
- 14 (xviii) speech–language pathologists;
- 15 (xix) student support specialists;
- 16 (xx) teachers;
- 17 (xxi) teacher aides;
- 18 (xxii) transition coordinators; and
- 19 (xxiii) work–to–learn specialists.

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

22 (H) **“FULLY ONLINE INSTITUTION” MEANS AN INSTITUTION THAT OFFERS**  
23 **ALL ACADEMIC AND STUDENT SERVICES REMOTELY.**

24 (I) (1) **“NONTENURE TRACK FACULTY” MEANS FULL–TIME, PART–TIME,**  
25 **OR ADJUNCT NONTENURE TRACK EMPLOYEES OF A SYSTEM INSTITUTION, MORGAN**  
26 **STATE UNIVERSITY, OR ST. MARY’S COLLEGE OF MARYLAND WHOSE PRIMARY**

1 ASSIGNMENTS INVOLVE ACADEMIC ~~RESPONSIBILITIES~~ INSTRUCTION, INCLUDING  
 2 TEACHERS, RESEARCHERS, AND DEPARTMENT HEADS AND THOSE IN COMPARABLE  
 3 POSITIONS.

4 **(2) “NONTENURE TRACK FACULTY” DOES NOT INCLUDE:**

5 **(I) FACULTY EMPLOYED AT A FULLY ONLINE INSTITUTION; OR**

6 **(II) FACULTY WHOSE POSITIONS ARE FULLY FUNDED THROUGH**  
 7 **A RESEARCH OR SERVICE GRANT OR CONTRACT, OR THROUGH CLINICAL REVENUES.**

8 **[(h)] ~~(J)~~ (J)** “President” means:

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

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

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

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

17 **[(i)] ~~(J)~~ (K)** “System institution” means:

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

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

22 (3) the University System of Maryland Office.

23 3–102.

24 (b) This title does not apply to:

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

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

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

1 (iii) a member of the faculty, including a faculty librarian, **EXCEPT**  
2 **FOR NONTENURE TRACK FACULTY**;

3 (iv) a student employee, including a teaching assistant or a  
4 comparable position, fellow, or post doctoral intern;

5 (v) a contingent, contractual, temporary, or emergency employee,  
6 **EXCEPT FOR NONTENURE TRACK FACULTY**;

7 (vi) a contingent, contractual, or temporary employee whose position  
8 is funded through a research or service grant or contract, or through clinical revenues,  
9 **EXCEPT FOR NONTENURE TRACK FACULTY**; or

10 (vii) an employee whose regular place of employment is outside the  
11 State of Maryland, ~~**EXCEPT FOR NONTENURE TRACK FACULTY**~~;

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

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

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

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

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

26 (ii) Appropriate bargaining units shall consist of:

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

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

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

