



**SENATE FINANCE COMMITTEE**

**Senate Bill 823 – State Personnel – Collective Bargaining – Faculty, Part-Time Faculty,  
Post Doctoral Associates, and Graduate Assistants**

**March 7, 2024**

**Unfavorable**

Chair Beidle, Vice Chair Klausmeier and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 823.

On behalf of the University System of Maryland (USM) we respectfully oppose SB 823 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 nearly 17,000 faculty and over 6,100 graduate assistants across the USM.

While some may argue that SB 823 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 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. SB 823 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 and responsibilities of tenured faculty as compared to non-tenure track faculty or even adjuncts. Likewise, there are significant differences in the 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.

Finally, it is unclear why SB 823 would remove the authority of the Board of Regents to define certain exclusionary terms (supervisory, managerial, and confidential) when DBM would continue to retain that authority for the State Personnel Management System. Such a change would impact the twenty-five (25) existing bargaining units across the USM, not just those units for which collective bargaining rights are being sought under this bill.

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 SB 823 as written.

