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**SB 823 - State Personnel - Collective Bargaining - Faculty, Part-Time Faculty,
Post Doctoral Associates, and Graduate Assistants
Senate Finance Committee
March 7, 2024**

SUPPORT

Donna S. Edwards

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Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB 823. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments on granting collective bargaining rights to graduate assistants, postdoctoral associates, part-time faculty, and faculty at the University System of Maryland, Morgan State University, and St. Mary's College of Maryland.

SB 823 grants collective bargaining rights to certain public employees that have been organizing to demand these rights for over a decade. Maryland law currently prohibits collective bargaining for faculty, adjuncts (part-time faculty) and graduate assistants at the University System of Maryland. SB 823 would correct this injustice by granting these workers the opportunity to vote on whether they wish to form a union. The only obstacle between these workers and the same rights granted to thousands of their peers is Maryland's prohibitive law.

Collective bargaining for faculty (full and part-time) and graduate assistants is not new. Across the country, thousands of academic employees have formed unions. At least a hundred higher education facilities from Ivy League universities like Yale and Harvard to small private colleges like Goucher have collective bargaining agreements with their faculty and graduate assistants. In 2021, Maryland expanded unionization rights to community colleges across the state. As of today, there are 9 different higher education institutions with unionized faculty or part-time faculty in Maryland and that number will only grow over the next few years.¹

The Big Ten and SEC athletic conferences recently announced a joint advisory committee to address major changes to the future of college athletics, including the future of university athletic collective

¹ See Appendix 2.

bargaining.² Maryland's outdated position on collective bargaining may cost it a place in premier competitive college sports conferences.

Within the Big Ten Athletic Conference that the University of Maryland College Park participates in, eight universities have graduate assistant unions with collective bargaining rights.³ An additional four universities have collective bargaining rights and graduate assistants are in the process of forming unions. In the remaining two universities in the conference, only the Ohio State University and the University of Maryland College Park prohibit graduate collective bargaining by law.

Graduate assistants are workers. The common law definition of employment is work which "generally requires that the employer have the right to control the employee's work, and that that work be performed in exchange for compensation."⁴ No amount of muddying the waters can ignore the fact that federal labor law, as first ruled by the National Labor Relations Board in 2016⁵, then reaffirmed by the Biden NLRB in 2021⁶, and again in 2023⁷, has emphatically decided that graduate assistants are workers.

The NLRB already dismissed arguments by universities that graduate assistants, "are primarily students and have a primarily educational, not economic, relationship with their university." stating, "We disagree. The Board has the statutory authority to treat student assistants as statutory employees, where they perform work, at the direction of the university, for which they are compensated. Statutory coverage [of the NLRA] is permitted by virtue of an employment relationship; it is not foreclosed by the existence of some other, additional relationship that the Act does not reach."

Since then, the NLRB has gone even further in promoting higher education labor rights, ruling at the regional level that certain student athletes at private universities have an employee relationship and collective bargaining rights.⁸ On March 5, the Dartmouth Men's Basketball Team voted overwhelmingly to join SEIU Local 560 in an NLRB election.

There is nothing in federal law that prohibits graduate assistants, or any other higher education workers for that matter, from forming unions. This is especially true for higher education workers in the public sector who only need enabling language from their state or locality.

The National Center for the Study of Collective Bargaining in Higher Education and the Professions found that, "From January 1, 2013 to December 31, 2019 there were a total of 118 newly certified or recognized faculty collective bargaining units in the United States with a total of 36,264 unit members. There were 65 new units at private non-profit institutions, 50 at public colleges and universities, and 3 at private for-profit institutions."⁹ The same organization found that, "during 2022 and 2023 alone unions won 30 new student-worker collective bargaining units, representing a total of 35,655 workers.

² Blake Topmeyer. "Could SEC, Big Ten leave NCAA? Here are 4 more realistic outcomes of new alliance." USA Today Network. February 6, 2024.

³ See *Appendix 1*.

⁴ *Trustees of Dartmouth College*. Case 01-RC-325633. NLRB. (2023)

⁵ *Columbia University*, 364 NLRB No. 90 (2016)

⁶ Danielle Doublas-Gabriel. "Labor board withdraws rule to quash graduate students' right to organize as employees." Washington Post. March 2021.

⁷ Jeremy Bauer-Wolf. "NLRB: Duke University doctoral students can vote to unionize." Higher Ed Dive. July 13, 2023.

⁸ *Trustees of Dartmouth College*. Case 01-RC-325633. NLRB. (2023)

⁹ "2020: Supplemental Directory of New Bargaining Agents and Contracts in Institutions of Higher Education, 2013-2019." Hunter: National Center. November 2020.

Most of these involved graduate student workers, who comprise 62 percent (19) of the new units including two that include undergraduate workers.”¹⁰

The “meet and confer” process, a USM-led compromise in 2012 to stonewall collective bargaining efforts, has failed. Shared governance, co-governance, and faculty senates are not substitutes for legal rights as workers. The only way for employees to collectively and effectively work with the higher education institutions to improve working conditions is by having the freedom to form and join a union of their choice. It is past time for Maryland to allow faculty, part-time faculty, and graduate assistants to exercise their right to form and join a union.

We urge a favorable report on SB 823.

¹⁰ Herbert, Apkarian, and van der Naald. “Union Organizing and Strikes in Higher Education: The 2022-2023 Upsurge in Historical Context.” 2024.

Appendix 1: Comparison of Graduate Labor Bargaining Rights in the Big Ten Conference

Big Ten University	Graduate Assistant Union Name	Union Recognition Status	Note
University of Michigan	Graduate Employees' Organization (GEO), AFT Local 3551	Already recognized & bargaining.	Graduate workers have been unionized since 1975.
Michigan State University	Graduate Employees Union (GEU), AFT Local 6196	Already recognized & bargaining.	Graduate workers have been unionized since 2001.
Rutgers University–New Brunswick	Rutgers AAUP, AFT	Already recognized & bargaining.	Graduate workers have been unionized since 1972.
University of Illinois Urbana–Champaign	Graduate Employees' Organization (GEO), AFT/IFT Local 6300	Already recognized & bargaining.	Graduate workers have been unionized since 2003.
University of Iowa	Campaign to Organize Graduate Students (COGS), UE Local 896	Already recognized & bargaining.	Graduate workers have been unionized since 1996.
University of Minnesota, Twin Cities	University of Minnesota Graduate Labor Union (UMN-GLU), UE Local 1105	Already recognized & bargaining.	Graduate workers have been unionized since 2023. They voted 2487 to 70 in favor of unionization.
Northwestern University	Northwestern University Graduate Workers (NUGW), UE Local 1122	Already recognized & bargaining.	Graduate workers have been unionized since 2023. They voted 1644 to 114 in favor of unionization.
University of Wisconsin–Madison	Teaching Assistants' Association (TAA), AFT Local 3220	Already recognized & bargaining.	Graduate workers have been unionized since 1969.
University of Nebraska–Lincoln	"Unionize UNL"	Currently organizing and have the right to collectively bargain by law.	Holding regular meetings and rallies to build support among graduate workers.
Purdue University	Graduate Rights and Our Wellbeing (GROW)	Currently organizing and have the right to collectively bargain by law.	Holding regular meetings and rallies to build support among graduate workers.
Indiana University Bloomington	Indiana Grad Workers Coalition, UE	Currently organizing and have the right to collectively bargain by law.	Already delivered 1300 cards (more than majority) to the University President and are asking for an election.
Pennsylvania State University	Coalition of Graduate Employees (CGE)	Currently organizing and have the right to collectively bargain by law.	On February 9, 2018, the Pennsylvania Labor Relations Board ruled that graduate employees are public employees.
University of Maryland, College Park	Graduate Labor United (GLU), UAW	Denied the right to collectively bargain by law.	More than 2,000 GAs have already signed cards seeking recognition.
Ohio State University	No Current Campaign	Denied the right to collectively bargain by law.	Ohio Revised Code Chapter 4117.01 (c)(11) prohibits graduate assistant unionization.

Appendix 2: The State of Faculty & Part Time Faculty Collective Bargaining in Maryland's Higher Education Institutions¹¹

Maryland University	Faculty Union Name	Part-Time Faculty Union Name
Anne Arundel Community College	None At This Time	SEIU 500
Frederick Community College	AFT-MD	None At This Time
Goucher College	None At This Time	SEIU 500
Harford Community College	MSEA	None At This Time
Howard Community College	AFT-MD	None At This Time
Maryland Institute College of Art	SEIU 500	SEIU 500
McDaniel College	None At This Time	SEIU 500
Montgomery College	AFT-MD	SEIU 500
Prince George's Community College	AFT-MD	None At This Time
Wor-Wic Community College	MSEA	None At This Time

¹¹ We are aware of workers at other community colleges that are currently signing cards to form and join unions in the coming year.