

FAVORABLE
House Bill 661
State Personnel – Collective Bargaining – Faculty

House Appropriations Committee
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Samantha Zwerling
Government Relations

The Maryland State Education Association supports House Bill 661. House Bill 661 would grant collective bargaining rights to faculty which is defined in the bill as full-time, part-time, or adjunct employees of at an institution within the University System of Maryland, 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. The bill establishes separate collective bargaining units for faculty and contingent, contractual, or temporary faculty. The legislation also authorizes the bargaining units to combine into a single bargaining unit. We strongly support the expansion of collective bargaining rights to these workers, and this legislation is long overdue.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents over 40 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

For far too long, many workers in Maryland's public sector have been unable to enjoy the freedom to collectively bargain through their unions. Maryland's development of public sector collective bargaining for workers has been piecemeal, incremental, and insufficient to meet the needs of working families, especially when compared to other states public sector collective bargaining systems.¹ House Bill 661 makes

¹ Maryland State Labor Boards, *Public Schools, Higher Education, State Employees*, slides 7-8 (2014) (noting the development of public sector collective bargaining for certain state employees and higher education employees developed from 1996 – 2012), retrieved from: <https://laborboards.maryland.gov/wp-content/uploads/sites/9/2014/05/Powerpoint-for-Shanghai-Delegation-Feb-2013.pdf>; See also, Jimmy Tarlau, *Many Workers in Md. Don't Have the Right to Form a Union. That Needs to Change*, Maryland Matters (May 20, 2021),

meaningful progress to correct this historical error, by extending collective bargaining rights to faculty, part-time faculty, and graduate assistants.

Collective bargaining for public sector faculty is neither unique nor novel. Rather, there is a long practice of collective bargaining in institutions of higher education across the country that demonstrates the success and flexibility of collective bargaining.² Pennsylvania and New Jersey are two neighboring states that have long granted collective bargaining rights to higher education workers. Collective bargaining agreements between higher education workers and university systems in these states demonstrates the sophistication and flexibility of the parties' ability to address a myriad of issues in the higher education setting.³

Numerous states across the country grant higher education workers the right to collectively bargain, regardless of the partisan lean of the state. For example, the state of Nebraska enacted a broad public sector collective bargaining legal system approximately fifty years ago, which included faculty in higher education.⁴ Collective bargaining relationships in Nebraska persist to this day between institutions of higher education and labor unions representing faculty and other higher education workers.⁵ Similarly, Florida enacted a broad public sector collective bargaining regime decades ago that encompasses both faculty and graduate assistants in

<https://www.marylandmatters.org/2021/05/20/jimmy-tarlau-many-workers-in-md-dont-have-the-right-to-form-a-union-that-needs-to-change/>.

² See generally, The National Center for the Study of Collective Bargaining in Higher Education, *Directory of Bargaining Agents and Contracts in Higher Education* (Apr. 1, 1977) (compiling collective bargaining agreements across the United States between institutions of higher education and faculty dating back to the 1960s and 1970s.), <https://www.hunter.cuny.edu/ncscbhep/assets/files/directory-april-1977.pdf>.

³ See, Agreement Between Association of Pennsylvania State College and University Faculties and The Pennsylvania State System of Higher Education (July 1, 2019 to June 30, 2023), https://www.passhe.edu/inside/HR/LR/Documents/APSCUF_July2019-June2023.pdf; Draft Agreement Between State of New Jersey and Council of New Jersey State College Locals, AFT, AFL-CIO, State Colleges/Universities Unit (July 1, 2019 – June 30, 2023), <http://www.cnjscl.org/AFT%20FT%202019-2023%20FT-PT%20-%20Pending%20Reindexing%20-%20Not%20for%20Final%20Publication.pdf>.

⁴ See, *American Association of University Professors, University of Nebraska Chapter, University of Nebraska v. Board of Regents of the University of Nebraska, et al.*, 198 Neb. 243 (1977) (defining bargaining units of faculty across the Nebraska higher education system).

⁵ See, Collective Bargaining Agreement between The Board of Regents of the University of Nebraska and the University of Nebraska at Omaha Chapter American Association of University Professors (July 1, 2021 – June 30, 2023), https://www.unomaha.edu/academic-affairs/_files/documents/compliance/collective-bargaining-agreement.pdf.

public sector universities and colleges.⁶ Again, these collective bargaining relationships have persisted for decades and continue to the present.⁷ Ample evidence exists across the country dating back decades that collective bargaining is a successful practice and procedure between faculty, part-time faculty, and graduate assistants and institutions of higher education.

Every worker, whether they are in the private sector or the public sector, deserves a seat at the table with their employer to discuss their working conditions. The dignity of labor requires that all workers be able to enjoy the fundamental right to collectively bargain with their fellow workers. There is no rational basis to continue to deny or delay collective bargaining rights for workers, including faculty, part-time faculty, and graduate assistants.

MSEA whole-heartedly endorses this legislation and applauds the sponsor for bringing forth this critical piece of legislation. We continue to urge lawmakers to enact policies that lift up the voices of workers and recognize the dignity of labor.

We urge the committee to issue a Favorable Report on House Bill 661.

⁶ See *United Faculty of Florida, Local 1847 v. Board of Regents, State University System*, 417 So. 2d 1055 (Fla. Dist. Ct. App. 1982) (holding graduate assistants are public employees with the right to collectively bargain under Florida's public employee relations act and state constitution).

⁷ See Collective Bargaining Agreement between the University of Florida Board of Trustees and the United Faculty of Florida (2021 – 2024), <https://uff-uf.org/wp-content/uploads/2021/07/2021-2024-UFF-UF-Collective-Bargaining-Agreement.pdf>.