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SB 166 - State Personnel - Collective Bargaining - Graduate Assistants and Postdoctoral Associates

Senate Finance Committee

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SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB 166. 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 and postdoctoral associates at the University System of Maryland, Morgan State University, and St. Mary's College of Maryland.

SB 166 is enabling legislation allowing graduate assistants and postdoctoral associates at the University System of Maryland (USM) to exercise their rights to organize and vote for or against 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 postdoctoral associates 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 large and small private colleges like Johns Hopkins University and Goucher College have collective bargaining agreements with their faculty and graduate workers. 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

Graduate worker unions already exist at all of the universities within the Big-Ten Athletic Conference, which now has 18 schools, with the exception of the University System of Maryland and the Ohio State University which still prohibit graduate collective bargaining by law.² These schools greatly benefit from unionization by attracting and retaining top talent across the board.

¹ See Appendix 2.

² See Appendix 1.

Graduate assistants are workers; they teach, assist with research, and alleviate administrative work—all of which are essential to a university's mission, function, and financial viability. By their own testimony, UMS schools widely recognized how essential graduate assistants and postdoctoral associates are to the university's ability to secure millions of dollars in research funding and supporting ongoing research initiatives. 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.”³ No amount of muddying the waters can ignore the fact that federal labor law, as first ruled by the National Labor Relations Board in 2016⁴, then reaffirmed by the Biden NLRB in 2021⁵ and again in 2023⁶, 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.⁷ 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 “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 and are vaguely shared. As Morgan State provided in their testimony, its representative body called the University Council provides for a participatory system of governance in order to provide the University community an opportunity for involvement, communication, and accountability in all major decisions. The University Council, which has 37 members, 27 of which are faculty, seven are staff, two undergraduate students and one graduate student, serve as the University's official governance structure.

More than 60% of graduate workers at UMS have signed authorization cards to join UAW—the only way for university workers to collectively and effectively work with higher education institutions to improve working conditions is by having the freedom to form and join a union of their choice. The legislature must stand aside to allow graduate assistants and postdoctoral associates to unionize. We urge a favorable report on SB 166.

³ *Trustees of Dartmouth College*. Case 01-RC-325633. NLRB. (2023)

⁴ *Columbia University*, 364 NLRB No. 90 (2016)

⁵ Danielle Doublas-Gabriel. “Labor board withdraws rule to quash graduate students' right to organize as employees.” Washington Post. March 2021.

⁶ Jeremy Bauer-Wolf. “NLRB: Duke University doctoral students can vote to unionize.” Higher Ed Dive. July 13, 2023.

⁷ *Trustees of Dartmouth College*. Case 01-RC-325633. NLRB. (2023)

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 Oregon	University of Oregon Student Workers Union (UOSW)	Already recognized & bargaining.	Graduate workers have been unionized since 1976.
University of California Los Angeles (UCLA)	University of California System, UAW Local 4811	Already recognized & bargaining.	Graduate workers have been unionized since 1999, 2008, 2019, and 2021.
University of Southern California (USC)	Graduate Student Workers Organizing Committee (GSWOC-UAW USC)	Already recognized & bargaining.	Graduate workers have been unionized since 2023. They voted 1599 to 122 in favor of unionization.
University of Washington	UAW Local 4121	Already recognized & bargaining.	Graduate workers have been unionized since 2004.
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 60% of graduate workers have signed authorization cards as of Nov. 2024.
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 Institutions⁸

Maryland University	Faculty Union Name	Part-Time Faculty Union Name
Anne Arundel Community College	SEIU	SEIU 500
Frederick Community College	AFT-MD	AFT-MD
Goucher College	SEIU 500	SEIU 500
Harford Community College	MSEA	MSEA
Howard Community College	AFT-MD	SEIU
Maryland Institute College of Art	SEIU 500	SEIU 500
McDaniel College	SEIU 500	SEIU 500
Montgomery College	AFT-MD	SEIU 500
Wor-Wic Community College	MSEA	MSEA

⁸ We are aware of workers at other community colleges that are currently signing cards to form and join unions in the coming year.