



HOUSE GOVERNMENT, LABOR, AND ELECTIONS COMMITTEE
House Bill 106
State Personnel – Collective Bargaining – Nontenure Track Faculty
February 10, 2026
Unfavorable

Chair Wells, Vice Chair Kerr and members of the committee, thank you for the opportunity to offer testimony on House Bill 106.

On behalf of the University System of Maryland (USM) we respectfully oppose House Bill 106 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 Universities, comprehensive institutions and research universities, and the country's largest public online institution. As defined in the bill, there are over 13,500 non-tenure track faculty across the USM.

While some may argue that House Bill 106 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 stand to benefit financially and 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. In establishing proper bargaining units, labor law requires 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. House Bill 106 contains a sweeping definition of "nontenure track faculty" that would establish broadly defined bargaining units lacking the requisite community of interest for appropriate and effective bargaining. The perception that all faculty are the same, particularly in a system like the USM, is not appropriate. There are varied ways in which faculty are classified, how they perform their work, and how they are funded.

USM Board of Regents policy (II-1.00) defines the types of faculty appointments; a policy that was established after consultation with faculty governance. With eight (8) distinct types of faculty, this bill would sweep together research engineers and scientists with lecturers and clinical faculty, and others. 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.

The imposition of such costly policy changes at this time would be more than challenging for all our campuses and, in fact, devastating for some. The USM has faced significant budget reductions at both the federal and state levels. Allowing employees whose positions are funded through a research or service grant or contract, or through clinical revenues, to participate in collective bargaining only compounds those budgetary concerns. Such a change unnecessarily breaks from what has historically been a reasonable restriction for circumstances where funding is not guaranteed. Some mechanism to allow the proper funding of any resulting agreement is critical. Moreover, the removal of the requirement of regular employment in the State of Maryland to be eligible for collective bargaining adds immense complexity, particularly for UMGC which has employees all over the globe. As written, this bill has the potential to more than double the number of represented employees across the USM, which will undoubtedly increase costs to the institutions.

For all the foregoing reasons, the USM respectfully urges an unfavorable report on House Bill 106 as written. Suggested amendments are attached for consideration.



HOUSE BILL 106
(FIRST READING FILE BILL)

AMENDMENT NO. 1:

On page 3, insert “(1)” after “(H)” in line 18.

AMENDMENT NO. 2:

On page 3, strike “FULL-TIME, PART-TIME, OR ADJUNCT” in lines 18-19 and substitute “NON-TENURE TRACK TEMPORARY, CONTINGENT, OR CONTRACTUAL ‘ADJUNCT’”.

AMENDMENT No.3:

On page 3, insert “PRIMARY” before “ASSIGNMENTS” on line 20.

AMENDMENT NO. 4:

On page 3, strike beginning with “INCLUDING” in line 21 down through “POSITIONS” in line 22. Add “CLASSROOM INSTRUCTIONAL” before “RESPONSIBILITIES” and “AND WHO TEACH MORE THAN ONE COURSE PER SEMESTER” following “RESPONSIBILITIES” in line 21.

AMENDMENT NO. 5:

On page 3, add the following subsection after line 22:

“(2) ‘NONTENURE TRACK FACULTY DOES NOT INCLUDE:

- (I) OFFICERS;
- (II) ADJUNCT FACULTY WHO TEACH A STANDARDIZED, PRE-DESIGNED AND TEMPLATED CURRICULUM PER COURSE AND WHOSE STATUS IS TEMPORARY, CONTINGENT, OR CONTRACTUAL ON A PER COURSE BASIS FOR A DEFINED PERIOD OF 12 WEEKS OR LESS; OR
- (III) STUDENT WORKERS.”

AMENDMENT NO. 6:

On page 4, strike “, EXCEPT FOR NONTENURE TRACK FACULTY” on lines 20-21.

AMENDMENT NO. 7:

On page 4, strike “, EXCEPT FOR NONTENURE TRACK FACULTY” on line 28.

AMENDMENT NO. 8:

On page 4, strike “, EXCEPT FOR NONTENURE TRACK FACULTY” on line 30.

AMENDMENT NO. 9:

On page 5, remove the brackets around “, as defined in regulations adopted by the governing board of the institution” on lines 7 and 8 and maintain this language.

AMENDMENT NO. 10:

On page 5, add the following subsection following line 21:

“(III) THE BARGAINING UNITS DESCRIBED IN SUBPARAGRAPH (II)4 OF THIS PARAGRAPH MAY NOT ELECT TO ENGAGE IN CONSOLIDATED COLLECTIVE BARGAINING UNDER § 3-602 OF THIS TITLE.”

AMENDMENT NO. 11:

On page 5, strike “2026” in line 23 and substitute “2028.”

Purpose of Amendments:

The purpose of the amendments is to redefine the scope of the legislation so that it applies only to certain adjunct faculty. The adjunct definition excludes adjuncts at Global Campus to protect their unique model for competitiveness. We also require an adjunct to teach more than one course. Additional language added prohibits these new units from electing to engage in consolidated bargaining, and the effective date is adjusted back two years to 2028.