

# Maryland Community College Collective Bargaining Legislation Fact Sheet

Md. Code Ann., Educ. §§ 16-701 et seq.<sup>1</sup>

**What Is The Current Status?** Governor Hogan vetoed the legislation on May 28, 2021. If the legislature overrides the veto, the statewide community college collective bargaining law will take effect September 1, 2022 for some Colleges and September 1, 2023 for others.<sup>2</sup>

**What Does The Legislation Do?** If the veto is overridden, certain employees at Maryland community colleges will be permitted to organize for purposes of collective bargaining. This means that employees could choose to have a union represent them in negotiations with the employing college regarding wages, benefits, and other terms and conditions of employment, and in related proceedings.

**What Are Collective Bargaining Negotiations?** Negotiations are when the college and the union meet to discuss wages, benefits, and other terms and conditions of employment. In negotiating with the union, a college does not have to agree to any union demands that it believes are not in the college's best interest. If a union wins an election, a college will be required to negotiate in good faith in an effort to reach agreement over the terms and conditions of employment of all employees in the bargaining unit. The college cannot pick and choose between those employees who want to be in the bargaining unit and those who do not if the union wins the election.

**Who Is Eligible?** The legislation permits four bargaining units: one each for full- and part-time faculty, and two for non-exempt staff. Supervisors, officers, student assistants, and confidential employees are not eligible to unionize.

**What Is A Bargaining Unit?** A bargaining unit is the group of employees that is represented by a union for purposes of collective bargaining. Employees whose jobs are included in the bargaining unit are members of the unit whether or not they choose to belong to the union.

**What Is A Showing Of Interest Form?** A showing of interest form is a written statement from an employee stating that the employee wants to be represented by a union in collective bargaining. In certain situations, if a union collects showing of interest forms from more than 50% of employees in a proposed bargaining unit, the union can use the forms to become the "exclusive representative" of employees without a free and fair election. If that happens, employees do not have the opportunity to vote in an open election to determine whether there will be a union or who will represent them. Employees do not have to sign union authorization cards or other showing of interest forms.

**What Are Employee Rights Under The Collective Bargaining Law?** The law would give employees a right to organize; form, join, or assist any employee organization; bargain collectively through a union; and engage in protected concerted activity. Employees also have the legal right not to join or support a union. If a union is designated, however, employees will be in the bargaining unit, regardless of whether they join the union.

It is unlawful for an employee to be threatened, interrogated, or spied on because of or in connection to their union views, activities, or beliefs. It is also unlawful for an employer to make promises to an employee in exchange for opposing the union.

**How Are Election Outcomes Determined?** If there is an election, the majority of votes cast determines the outcome.

**What Employee Information Must Colleges Disclose?** The legislation requires community colleges to provide unions with certain information regarding employees, including work and home address and telephone, and personal cell phone.

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<sup>1</sup> This summary does not address every aspect of the legislation.

<sup>2</sup> If the legislature overrides the veto, the law will apply beginning September 1, 2022 for Anne Arundel Community College, Community College of Baltimore County, Frederick Community College, Harford Community College, Howard Community College, Montgomery College, Prince George's Community College, and College of Southern Maryland. The law will apply beginning on September 1, 2023 for Allegany College of Maryland, Carroll Community College, Cecil College, Chesapeake College, Garrett College, Hagerstown Community College, and Wor-Wic Community College, and beginning October 1, 2024 for Baltimore City Community College (faculty). Some provisions of the law, however, will apply universally beginning September 1, 2022.