

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1433 (Delegate McCaskill)
Government, Labor, and Elections

Community Colleges - Collective Bargaining - Definition of Supervisory
Employee

This bill defines “supervisory employee” for purposes of collective bargaining at community colleges, including Baltimore City Community College (BCCC), and specifies that the definition does not include department heads, comparable positions, or faculty members below the level of assistant dean. As a result, the bill clarifies that those employees may collectively bargain. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: Clarifying that department heads and comparable positions may collectively bargain is not anticipated to materially affect BCCC revenues or expenditures because department heads are already permitted to collectively bargain as faculty under current law.

Local Effect: Clarifying that department heads and comparable positions may collectively bargain is not anticipated to materially affect local community college revenues or expenditures because department heads are already permitted to collectively bargain as faculty under current law.

Small Business Effect: None.

Analysis

Bill Summary: “Supervisory employee” is defined as an employee who has authority to: (1) hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees; (2) responsibly direct employees for more than 50% of the employee’s working hours; and (3) address and resolve employee complaints. “Supervisory employee” does not include a department head, an employee in a comparable position, or any faculty member below the level of assistant dean.

Current Law: Chapters 16 and 27 of the 2021 special session established a uniform, statewide framework for collective bargaining at community colleges. The legislation phased in these collective bargaining rights, beginning with the eight large local community colleges on September 1, 2022, then the seven small local community colleges on September 1, 2023, and finally BCCC on October 1, 2024.

Collective bargaining rights at community colleges are granted to “public employees.” “Public employee” is generally defined as an individual employed by a public employer and expressly includes faculty and part-time faculty at BCCC. “Faculty” are employees whose assignments involve academic responsibilities, including teachers and department heads.

“Public employee” does not include certain categories of individuals and, therefore, these individuals do not have collective bargaining rights. Specifically excluded are (1) officers, including a president, vice president, dean, or other similar official appointed by a board of community college trustees; (2) *supervisory* or confidential employees; and (3) student assistants. “Confidential employee” is an employee whose unrestricted access to personnel, budgetary, or fiscal data, or whose close and continuing working relationship with individuals responsible for negotiating on behalf of the employer, would make union membership incompatible with the employee’s duties. Supervisory employee is not a defined term in statute.

Up to four bargaining units at each community college may be established: (1) one for full-time faculty; (2) one for part-time faculty; and (3) two for eligible nonexempt employees.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 978 (Senator A. Washington) - Rules.

Information Source(s): Maryland Higher Education Commission; Baltimore City Community College; Public Employee Relations Board; Department of Legislative Services

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caw/mcr

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