

Senate Finance Committee
March 26, 2026

HB 1433 - Community Colleges - Collective Bargaining - Definition of Supervisory Employee

Position: Oppose

The Maryland Association of Community Colleges (MACC), representing Maryland's 16 community colleges, respectfully opposes **HB 1433**. Maryland's community colleges operate under a collective bargaining framework that reflects the unique governance structure and operational needs of locally governed institutions. Colleges work closely with their employees and bargaining units to maintain productive labor relations while preserving the flexibility necessary to effectively manage academic institutions and support student success.

House Bill 1433 represents a significant policy change to Maryland's community college collective bargaining structure by establishing a new statutory definition of "supervisory employee." The original enabling legislation for collective bargaining at community colleges, SB 746 of 2021, included a definition of "supervisory employee" that institutions relied on when negotiating their collective bargaining agreements. As a result, many community colleges have since ratified contracts that clearly define which positions are included in, and excluded from, bargaining units.

HB 1433 alters this framework by redefining "supervisory employee" through a series of exclusions. Specifically, the bill removes certain roles from the definition of supervisory employee, including department heads, employees in comparable positions, and faculty below the level of assistant dean, thereby making those individuals eligible for inclusion in collective bargaining units.

While this change may not present challenges for every institution, for many community colleges, it would require reopening negotiated agreements and revisiting established bargaining unit definitions. This would introduce significant uncertainty into existing labor relationships and create new challenges in interpreting key terms, such as what constitutes a "comparable position."

Historically, supervisory roles have been determined based on institutional responsibilities, organizational structure, and the actual duties performed by employees. Many colleges have longstanding agreements where this approach has functioned effectively. Codifying a rigid, one-size-fits-all definition in statute removes this essential flexibility and would fundamentally alter how supervisory status is determined across institutions.

Recent decisions of the Maryland Public Employees Relations Board underscore that determinations regarding supervisory status must be based on a fact-intensive, case-by-case evaluation. HB 1433 would supplant this established standard with a fixed statutory definition, limiting the ability to account for the wide variation in roles across institutions and increasing the likelihood of misclassification.

Community colleges vary significantly in size, governance, and administrative structure. A uniform definition of supervisory authority does not reflect how leadership and oversight responsibilities are distributed across Maryland's community colleges. The proposed language would likely expand bargaining units to include employees who currently perform supervisory functions, creating ambiguity in reporting structures, weakening managerial authority, and complicating personnel oversight.

Clear supervisory authority is essential to the effective operation of academic programs, workforce training initiatives, and student services. Disrupting these structures would introduce unnecessary risk into established labor relationships and institutional operations at a time when stability is critical. Accordingly, MACC urges the Committee to issue an **UNFAVORABLE** report on **HB 1433**.

Please contact Brad Phillips (bphillips@mdacc.org) or Drew Jabin (djabin@mdacc.org) with questions.