
Testimony of David Maher
HB 1433 – Community Colleges – Collective Bargaining – Definition of Supervisory Employee
Government, Labor, and Education Committee
Support / Favorable

My firm represents AFT-Maryland and many of its affiliated local unions, including the faculty unions for several community colleges. AFT-Maryland supports this bill to codify and clarify the proper scope of employees who have collective bargaining rights under the Community College Collective Bargaining Law. This bill seeks to correct a drafting error which led to an important definition being removed from this law.

Five years ago, the General Assembly took the important step of extending collective bargaining rights to the staff and faculty of our community colleges. Three years ago, the General Assembly took another important step by consolidating and modernizing the State’s collective bargaining laws with the Public Employee Relations Act. That bill, unfortunately and likely inadvertently, eliminated the definition of “supervisory employee” from the 2021 Community College Collective Bargaining Law.

The result has forced unions and the community colleges to litigate the precise scope of who is included in faculty bargaining units before the Public Employee Relations Board (“PERB”). To date, the issue has been litigated four times, with at least one active case. Each time, the parties and the PERB have remarked on this likely unintentional deletion and the difficulties presented. While the PERB has done excellent work to resolve these cases fairly and efficiently, the Board has informally requested that the parties work with the General Assembly to resolve the problems caused by this deletion by clarifying the term “supervisor employee.”

HB 1433 does this and provides a definition for “supervisory employees.” This definition is formulated to effectuate the PERB’s rulings on the issue, and to implement the PERB’s presumptive inclusion of department chairs in faculty bargaining units. This formulation of the definition is necessary to ensure that no employee who currently has collective bargaining rights under the PERB’s decisions has those rights taken away or put in jeopardy. It reflects the reality that department chairs share mutual interests with their fellow full-time faculty and tend to serve as conduits between faculty and administration. It further reflects that in higher education, authority over hiring and promotion is often diffused among full time faculty member, rather than being held singularly by a department chair.

HB 1433 is a straightforward fix, and AFT-Maryland urges that the Committee give it a favorable report.