

HB1433_RichardKaplowitz_FAV
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Frederick, MD 21703

TESTIMONY ON HB#/1433 - FAVORABLE

Community Colleges - Collective Bargaining - Definition of Supervisory Employee

TO: Chair Wells, Vice Chair Kerr, and members of the Government, Labor and Elections Committee

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#1433, **Community Colleges - Collective Bargaining - Definition of Supervisory Employee**

This bill is submitted to protect labor rights in unionization by defining who is covered in a union contract.

Frederick Community College (FCC) has been accused of abusing the definition of supervisory employees by attempting to exclude department chairs, directors, and other faculty from union bargaining units. They argued these roles, which have fewer teaching duties, are "supervisory" or "managerial" due to alleged budgetary and disciplinary responsibilities, which the union contests.¹

Key Details on the Controversy:

- Targeted Exclusions: FCC argued that certain department chairs and directors should not be included in the faculty bargaining unit, a move contested by the union.
- Legal Basis: The college cited state law (SG § 16-701(j)(2)) and relied on [National Labor Relations Act](#) (NLRA) case law regarding higher education to justify the exclusion.
- Union Counterargument: The union argued that these positions do not meet the criteria for being supervisors or managers.
- Context: This dispute is part of a broader, ongoing effort by faculty to address issues like workload and compensation.

This bill will uphold union rights in this dispute at FCC and other community colleges in Maryland. It will specifically define, for purposes of collective bargaining in community colleges, the term "supervisory employee" to mean an employee who is authorized to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, direct employees for 50% of the employee's working hours, and address employee complaints; and exclude from the definition a department head or an employee in a comparable position or any faculty member below the level of assistant dean.

I respectfully urge this committee to return a favorable report on HB#1433.

¹ Google AI Search "how did frederick community college abuse the definition of supervisory employees"