

**State of Maryland
Public Employee Relations Board**

In the matter of:

AMERICAN FEDERATION OF TEACHERS-)	
MARYLAND)	
)	
Petitioner,)	
)	
and)	PERB UC 2025-02
)	
BALTIMORE CITY COMMUNITY COLLEGE)	
)	
Respondent)	
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DECISION AND ORDER

I. DECISION

A. Procedural and Factual Background

On October 2, 2024, the American Federation of Teachers–Maryland (“AFT-Maryland” or “Petitioner”) filed a petition with the Maryland Public Employee Relations Board (“PERB” or “the Board”) seeking certification as the exclusive collective bargaining representative for all full-time faculty employed by Baltimore City Community College (“BCCC”). In response, BCCC filed an employee list on October 10, 2024, identifying approximately thirty employees with the titles of “Program Coordinator” and “Clinical Coordinator” as excluded from the bargaining unit on the grounds that they are “supervisory employees” within the meaning of Md. Code Ann., Educ. § 16-701(j)(2).

On October 15, 2024, the Board certified AFT-Maryland as the exclusive representative of the following bargaining unit: “All eligible Full Time Faculty employees, as defined in Md. Code Ann., Educ. § 16-701(j)(1), employed by the Baltimore City Community College, excluding supervisors and confidential employees, as defined in Md. Code Ann., Educ. § 16-701(j)(2), and all other employees.”

The present dispute arises from the continued disagreement over whether Program Coordinators and Clinical Coordinators (“Coordinators”) fall within the exclusion for “supervisory employees,” and thus outside the certified unit.

The Petitioner challenges BCCC’s exclusion of these Coordinators from the bargaining unit, asserting that they qualify as “faculty” under the statutory definition and do not meet the legal threshold for exclusion as supervisory employees. BCCC maintains that the duties performed by the Program and Clinical Coordinators include supervisory responsibilities sufficient to justify their exclusion from the bargaining unit under the Community College Collective Bargaining Law.

A hearing was held on May 27 and 28, 2025. Witnesses for both parties offered testimony.

B. Positions of the Parties

1. Petitioner – AFT-Maryland

AFT-Maryland contends that Program Coordinators and Clinical Coordinators are “faculty” under the Community College Collective Bargaining Law, Md. Code Ann., Educ. §§ 16-701 et seq., and included in the bargaining unit. The statutory definition of “faculty” explicitly includes “employees whose assignments involve academic responsibilities, including teachers and department heads” and excludes supervisory employees, among others. AFT argues that the inclusion of department heads suggests legislative intent to incorporate individuals with some managerial or oversight responsibilities, and that any supervisory functions exercised by Coordinators fall within the scope of faculty duties rather than meeting the legal threshold for supervisory status.

The Petitioner further asserts that Respondent’s supervisory exclusion is unsupported by the statutory criteria and inconsistent with Board precedent.

2. Baltimore City Community College

BCCC asserts that the employees in question—Program Coordinators and Clinical Coordinators—are properly excluded from the bargaining unit because they meet the statutory definition of “supervisory employees.” BCCC argues that Coordinators exercise supervisory authority with independent judgment on behalf of the College and are therefore supervisors.

BCCC has submitted job descriptions, evaluation records, and documentation of involvement in hiring and accreditation as evidence of these duties. BCCC maintains that the statutory exclusion for supervisory employees applies regardless of the job title or the fact that some of these individuals also engage in teaching or other academic responsibilities.

C. Applicable Law: Exclusion of Supervisory Employees

1. Statutory Framework and Legislative Intent

The Community College Collective Bargaining Law (CCCBL), codified at Md. Code Ann., Educ. § 16-701 et seq., governs collective bargaining rights for Maryland’s public community college employees. Under § 16-701(j), “faculty” is defined as follows:

(1) “Faculty” means employees whose assignments involve academic responsibilities, including teachers and department heads.

(2) “Faculty” does not include officers, supervisory employees, confidential employees, part-time faculty, or student assistants.

This statutory language establishes a clear boundary: while individuals with academic responsibilities—including department heads—are included in the definition of “faculty,” those who qualify as “supervisory employees” are excluded. The proper classification of faculty in leadership roles requires a careful legal and factual analysis under this framework.

PERB must harmonize these statutory provisions and determine, case by case, whether an employee's responsibilities and authority qualify as supervisory within the meaning of the law. *AFT-Maryland v. Community College of Baltimore County*, PERB UC 2025-01 at 5 (2025) (“CCBC”).

2. Definition of Supervisory Employee

Because neither PERA nor the Education Article defines “supervisory employee,” the Board has adopted the well-established definition of supervisor set forth in Section 2(11) of the National Labor Relations Act (NLRA), 29 U.S.C. § 152(11). A “supervisor” is defined as:

[A]ny individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

To establish supervisory status under this standard, three elements must be proven: (1) the individual possesses authority to perform or effectively recommend at least one of the twelve enumerated supervisory functions; (2) the individual exercises that authority with independent judgment; and (3) the authority is exercised in the interest of the employer. *See NLRB v. Kentucky River Community Care*, 532 U.S. 706, 710-713 (2001); *Oakwood Healthcare, Inc.*, 348 NLRB 686, 687 (2006); *CCBC*, PERB UC 2025-01 at 6.

3. Burden of Proof

Under the Maryland Administrative Procedure Act and PERB regulations, the burden of proving supervisory status lies with the party asserting it. The applicable evidentiary standard is proof by a preponderance of the evidence. *See* Md. Code Ann., State Gov’t § 10-217; COMAR 14.30.08.21. A party claiming supervisory status must present detailed, specific evidence of supervisory functions exercised with independent judgment on a regular and substantial basis. Generalized claims, reliance on job titles, or conclusory statements are insufficient. *See Oakwood*, 348 NLRB at 94; *Beverly Enterprises Minnesota dba Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006); *see also G4S Regulated Security Solutions*, 362 NLRB 1072 (2015) (“Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority.”)

D. Analysis

In applying the supervisory standard to the record evidence concerning the responsibilities and authority of the Program Coordinators and Clinical Coordinators at BCCC, the Board concludes that BCCC has not met its burden of establishing by a preponderance of the evidence that these employees meet the definition of “supervisory employees” under Md. Code Ann., Educ. § 16-701(j)(2).

The evidence revealed that several Program Coordinators and Clinical Coordinators do not oversee any employees in their respective departments. Without subordinate employees to direct, assign, evaluate, or discipline, these Coordinators lack the foundational authority required under the supervisory standard.

For those Program Coordinators and Clinical Coordinators who work in departments with additional staff, the evidence does not establish that they exercise or effectively recommend any of the twelve recognized supervisory functions over unit employees. Although BCCC relies on the role of Coordinators in the hiring and evaluation processes, BCCC failed to prove by a preponderance of the evidence that the Coordinators exercise supervisory authority in these areas.¹

The evidence established that hiring decisions involve a multi-step process. The extent of the Program Coordinators' and Clinical Coordinators' role in this process is as members of a search committee together with other faculty members and administrators. This committee conducts the initial interview of applicants. The Vice President of Academic Affairs and the Dean then conduct a second interview of the applicants; and the President may also choose to interview the candidates. The ultimate hiring decision is made by the President. There was no evidence that the Coordinators make hiring recommendations that are routinely followed by the President. As such, we find that BCCC has not met its burden of establishing that the Program Coordinators and Clinical Coordinators exercise hiring authority.

Evaluations are not themselves among the enumerated supervisory functions listed in Section 2(11) of the NLRA. As we explained in *CCBC*, an employee, however, "may be deemed a supervisor if their evaluations amount to effective recommendations concerning core employment actions—such as pay increases, promotions, discipline, or contract renewal—when those evaluations are routinely relied upon by higher administration without further independent investigation." PERB UC 2025-01 at 7. *See Bayou Manor Health Center*, 311 NLRB 955 (1993) and *Beverly Enterprises*, 329 NLRB 233 (1999) (evaluations confer supervisory status when they are the proximate cause of employment decisions, and those decisions are made without independent verification or override).

The evidence presented in *CCBC* established that *CCBC*'s Academic Department Chairs, SOMS Coordinators, Head Librarians, and Program Directors exercise independent judgment in evaluating their direct reports, and their evaluations carry direct employment consequences, including the grant or denial of salary increases, eligibility/ineligibility for promotion, and loss of contract renewal. We concluded, therefore, that "[t]he consistency and autonomy with which these employees carry out evaluation duties and the direct employment consequences that flow from those evaluations, support a finding that these employees are supervisory within the meaning of Md. Code Ann., Educ. § 16-701(j)(2)." PERB UC 2025-01 at 9.

BCCC's Program Coordinators' and Clinical Coordinators' role in the evaluation process is limited to classroom observations. While the Coordinators' observation assessments are included in the faculty members' evaluations, the Dean or Associate Dean is responsible for completing the evaluations and assigning the final ratings. The record is devoid of any evidence that the input of the Program Coordinators and Clinical Coordinators in the evaluations amount to effective recommendations concerning core employment actions—such as pay increases, promotions, discipline, or contract renewal.

¹ BCCC also relied on the responsibilities of Program Coordinators and Clinical Coordinators in curriculum development, textbook, scheduling, and facilitating student experiences. Such tasks are consistent with academic leadership but do not meet the legal standard for supervisory authority.

As such, we find that the College has failed to meet its burden of establishing that the Coordinators' role in the evaluation process evidences supervisory authority.

Accordingly, the College has not met its burden of proof under the Maryland Administrative Procedure Act or PERB's regulations, and as such, the Program Coordinators and Clinical Coordinators are appropriately included in the full-time faculty bargaining unit.

E. Conclusions of Law

1. Under Md. Code Ann., Educ. § 16-701(j), full-time faculty employees are eligible for inclusion in the bargaining unit unless they are determined to be "supervisory employees."
2. BCCC failed to meet its burden of establishing by a preponderance of the evidence that the Program Coordinators and Clinical Coordinators at BCCC possess or regularly exercise supervisory authority with independent judgment.
3. Program Coordinators and Clinical Coordinators are not "supervisory employees" under Md. Code Ann., Educ. § 16-701(j)(2) and must be included in the full-time faculty bargaining unit.

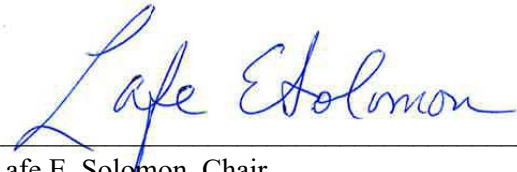
II. ORDER

Based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED:

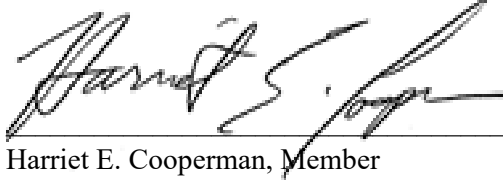
1. The Petition for Unit Clarification filed by AFT-Maryland is GRANTED.
2. The positions of Program Coordinators and Clinical Coordinators at Baltimore City Community College shall be included in the bargaining unit of full-time faculty represented by AFT-Maryland.
3. Baltimore City Community College shall immediately recognize and bargain with AFT-Maryland as the exclusive representative of the Program Coordinators and Clinical Coordinators included in the full-time faculty bargaining unit, in accordance with the Public Employee Relations Act and the Community College Collective Bargaining Law.
4. Any further disputes regarding the bargaining unit status of these or similar positions shall be resolved consistent with this Decision and Order.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

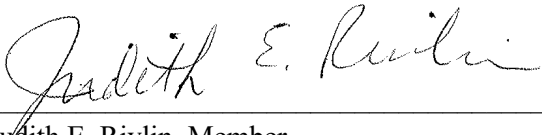
Annapolis, Maryland
July 29, 2025



Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Judith E. Rivlin, Member



Richard A. Steyer, Member

Appeal Rights

Any party aggrieved by this action of the Public Employee Relations Board may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, § 10-222 (Administrative Procedure Act – Contested Cases), and Maryland Rules, Chapter 200, Rule 7-201 et seq. (Judicial Review of Administrative Agency Decisions).