The Board of Education of Anne Arundel County opposes HB808 because it would remove the determination of the definition of “supervisory employee” from the local boards of education, even in the context of negotiations. This bill is not needed because it would amend a section of law that was able to be interpreted and applied by the Public School Labor Relations Board (PSLRB) to a local school system decision negotiated in good faith. In a recent decision issued by the PSLRB, a local school system’s determination under this section of law was upheld, over the objection of the teachers union. The case was resolved in favor of the school system and the PSLRB found no evidence of bad faith negotiation. The PSLRB indicated, “In the opinion of the PSLRB, if a public school employer’s determination of supervisory status is wholly arbitrary and not grounded in any plausible interpretation of the relevant facts, the PSLRB would have the authority to overturn that determination. We do not believe that this case falls into this category.”

This bill infringes on local board of education authority regarding the classification of employee positions and the determination as to the appropriate bargaining unit in negotiation with the collective bargaining unit. The proposed legislation would remove current local board of education authority and standing to make important determinations to place employee positions in particular units. It is ultimately a board of education that is able to fill positions to meet the needs of students and the school system, and this proposed legislation is unnecessary as the language that is currently in existence is effective.

Accordingly, the Board of Education of Anne Arundel County respectfully requests an UNFAVORABLE committee report on HB808.