

Board of Regents Approved  
November 20, 2001

Resolution

During the 2001 legislative session, the General Assembly enacted legislation which expanded “the scope of certain provisions of law governing collective bargaining to include certain employees of certain State institutions of higher education”, including Morgan State University. The legislation requires the Board of Regents to adopt regulations which define the terms “supervisory”, “managerial” and “confidential” as used in the collective bargaining legislation. The Board hereby authorizes the President to develop and implement the regulations and to submit the regulations to the Board at its November meeting for ratification.

## **Collective Bargaining Definitions**

### **Managerial**

A managerial employee is someone who is: (a) primarily engaged in executive and management-related functions, activities or decision-making; or (b) assigned or charged with the responsibility of directing or implementing MSU's management policies, practices and programs.

### **Supervisory**

A supervisory employee is someone who has the authority to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, evaluate, counsel, provide tangible employment-related benefits or detriments, to another employee or employees, or to adjust their grievances, or effectively to recommend that any of the aforesaid actions take place; so long as the exercise of that authority is not merely routine or clerical in nature, but requires the use of independent judgement or discretion on the part of the individual.

### **Confidential Employee**

A confidential employee is someone who: (1) has access to confidential or discretionary information regarding how MSU formulates its policies, procedures, programs, or information regarding legal advice, procedures or activities pertaining to labor/employee relations, budget formulation and implementation or confidential employment information; or (2) whose functional responsibilities, assignments, knowledge and/or responsibilities concerning labor/employee relations makes the employee's membership in any employee organization incompatible with the employee's duties; or (3) who is currently or has previously acted in the capacity of secretary/administrative assistant or in a clerical capacity to the President, Chairmen, Vice President, Provost, Dean, Director of Human Resource, Board of Regents or any member of Morgan State's Collective Bargaining Team.