

~~INCOMPATIBLE WITH HIS DUTIES.~~

~~(7) "EMPLOYEE ORGANIZATION" MEANS ANY ORGANIZATION OF PUBLIC EMPLOYEES WHICH HAS AS ONE OF ITS PRIMARY PURPOSES REPRESENTING SUCH EMPLOYEES IN COLLECTIVE BARGAINING.~~

~~(8) "EXCLUSIVE REPRESENTATIVE" MEANS AN EMPLOYEE ORGANIZATION WHICH HAS BEEN CERTIFIED BY THE COMMISSIONER AS REPRESENTING THE EMPLOYEES OF THE BARGAINING UNIT.~~

~~(9) "FACT FINDING" MEANS IDENTIFICATION OF THE MAJOR ISSUES IN A PARTICULAR IMPASSE, REVIEW OF THE POSITIONS OF THE PARTIES AND RESOLUTION OF FACTUAL DIFFERENCES BY AN IMPARTIAL INDIVIDUAL OR PANEL, AND THE MAKING OF RECOMMENDATIONS FOR SETTLEMENT OF THE IMPASSE.~~

~~(10) "GRIEVANCE" MEANS A DISPUTE CONCERNING THE APPLICATION OR INTERPRETATION OF THE TERMS OF AN AGREEMENT.~~

~~(11) "IMPASSE" MEANS FAILURE OF A PUBLIC EMPLOYEE AND AN EXCLUSIVE REPRESENTATIVE TO ACHIEVE AGREEMENT IN THE COURSE OF COLLECTIVE BARGAINING.~~

~~(12) "MEDIATION" MEANS ASSISTANCE BY AN IMPARTIAL THIRD PARTY TO RECONCILE A DISPUTE ARISING OUT OF COLLECTIVE BARGAINING THROUGH INTERPRETATION, SUGGESTION, AND ADVICE.~~

~~(13) "PROFESSIONAL EMPLOYEE" MEANS A PUBLIC EMPLOYEE WHO IS ENGAGED IN WORK WHICH IS PREDOMINATELY INTELLECTUAL AND VARIED IN CHARACTER AS OPPOSED TO ROUTINE MENTAL, MANUAL, MECHANICAL, OR PHYSICAL WORK, WHICH INVOLVES THE CONSISTENT EXERCISE OF DISCRETION AND JUDGMENT IN PERFORMANCE, WHICH IS OF SUCH A CHARACTER THAT THE OUTPUT PRODUCED OR THE RESULT ACCOMPLISHED CANNOT BE STANDARDIZED IN RELATION TO A GIVEN TIME PERIOD, AND WHICH REQUIRES KNOWLEDGE OF AN ADVANCED TYPE IN A FIELD OF SCIENCE OR LEARNING CUSTOMARILY ACQUIRED BY A PROLONGED COURSE OF SPECIALIZED INTELLECTUAL INSTRUCTION AND STUDY IN AN INSTITUTION OF HIGHER LEARNING OR A HOSPITAL, AS DISTINGUISHED FROM A GENERAL ACADEMIC EDUCATION OR FROM AN APPRENTICESHIP OR FROM TRAINING IN THE PERFORMANCE OF ROUTINE MENTAL, MANUAL, OR PHYSICAL PROCESSES.~~

~~(14) "PUBLIC EMPLOYEE" MEANS A PERMANENT FULL TIME EMPLOYEE EMPLOYED BY THE PUBLIC EMPLOYER EXCEPT: (I) EMPLOYEES INVOLVED DIRECTLY IN THE DETERMINATION OF POLICY; (II) SUPERVISORY OR CONFIDENTIAL EMPLOYEES. A PERSON WHO HOLDS A REGULAR FULL TIME TEACHING APPOINTMENT SHALL BE CONSIDERED A PERMANENT EMPLOYEE FOR THE PURPOSES OF THIS SECTION.~~

~~(15) "PUBLIC EMPLOYER" MEANS THE BOARD OF TRUSTEES OF MONTGOMERY COMMUNITY COLLEGE.~~

~~(16) "STRIKE" MEANS A PUBLIC EMPLOYEE'S REFUSAL,~~