

~~IN CONCERTED ACTION WITH OTHERS, TO REPORT FOR DUTY, OR WILLFULL ABSENCE FROM THE POSITION, OR STOPPAGE OF WORK, OR ABSTINENCE IN WHOLE OR IN PART FROM THE PROPER PERFORMANCE OF THE DUTIES OF EMPLOYMENT, FOR THE PURPOSE OF INDUCING, INFLUENCING, OR COERCING A CHANGE IN THE WAGES, HOURS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT.~~

~~(17) "SUPERVISORY EMPLOYEE" MEANS A PUBLIC EMPLOYEE HAVING AUTHORITY IN THE INTEREST OF THE EMPLOYER: (I) TO HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE OTHER EMPLOYEES; OR (II) TO DIRECT EMPLOYEES RESPONSIBLY; OR (III) TO ADJUST EMPLOYEE GRIEVANCES; OR (IV) TO RECOMMEND EFFECTIVELY THIS ACTION, IF THE EXERCISE OF THIS AUTHORITY IS NOT MERELY OF A ROUTINE OR CLERICAL NATURE, BUT REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT. DEPARTMENT CHAIRMEN MAY NOT BE CONSIDERED SUPERVISORY EMPLOYEES FOR THE PURPOSES OF THIS SECTION, UNLESS THE DEPARTMENT CHAIRMEN CLEARLY PERFORM THE FUNCTIONS IN THIS PARAGRAPH.~~

~~(B) A PUBLIC EMPLOYER SHALL DETERMINE WHETHER A PUBLIC EMPLOYEE IS TO BE CONSIDERED A PUBLIC EMPLOYEE FOR COLLECTIVE BARGAINING PURPOSES. EITHER PARTY OR THE EMPLOYEE ORGANIZATION MAY APPEAL THE DETERMINATION TO COMMISSIONER FOR A FINAL AND BINDING DECISION.~~

~~(C) UPON RECEIPT OF AN APPROPRIATE PETITION FOR THE CONDUCT OF AN ELECTION FOR EXCLUSIVE REPRESENTATIVE, THE COMMISSIONER SHALL INVESTIGATE THE PETITION AND CONDUCT A PUBLIC HEARING, RECEIVE WRITTEN AND ORAL TESTIMONY, AND THEREAFTER FILE AN ORDER DEFINING THE MOST APPROPRIATE BARGAINING UNIT. IN DEFINING A BARGAINING UNIT, THE COMMISSIONER SHALL CONSIDER, IN ADDITION TO OTHER RELEVANT FACTORS, THE EFFICIENCY OF OPERATIONS OF THE PUBLIC EMPLOYER, THE EFFECT OF OVER FRAGMENTATION OF BARGAINING UNITS ON THE EFFICIENT ADMINISTRATION OF GOVERNMENT, THE COMMUNITY OF INTEREST OF PUBLIC EMPLOYEES, AND THE ADMINISTRATIVE STRUCTURE OF THE PUBLIC EMPLOYER. THE BOARD MAY NOT FIND ANY UNIT APPROPRIATE THAT INCLUDES BOTH PROFESSIONAL AND NONPROFESSIONAL EMPLOYEES UNLESS A MAJORITY OF EACH GROUP VOTES FOR INCLUSION THEREIN. PUBLIC EMPLOYEES WHO HOLD TEACHING APPOINTMENTS WITH THE PUBLIC EMPLOYER MAY CONSTITUTE AN APPROPRIATE BARGAINING UNIT.~~

~~(D) (1) AFTER JANUARY 1, 1979, AN ELECTION SHALL BE CONDUCTED BY THE COMMISSIONER FOR EXCLUSIVE REPRESENTATIVE WHEN A VALID PETITION HAS BEEN FILED WITH THE PUBLIC EMPLOYER:~~

~~(I) BY AN EMPLOYEE ORGANIZATION DEMONSTRATING THAT 30 PERCENT OF THE EMPLOYEES IN A BARGAINING UNIT WISH TO BE REPRESENTED FOR COLLECTIVE BARGAINING BY AN EXCLUSIVE REPRESENTATIVE;~~

~~(II) BY A PUBLIC EMPLOYEE, A GROUP OF PUBLIC EMPLOYEES, OR AN EMPLOYEE ORGANIZATION DEMONSTRATING THAT 30 PERCENT OF THE EMPLOYEES ASSERT THE DESIGNATED EXCLUSIVE REPRESENTATIVE IS NO LONGER THE REPRESENTATIVE OF~~