

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 THE PUBLIC EMPLOYER 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 WHOSE WORK IS PREDOMINANTLY NONROUTINE AND INTELLECTUAL IN CHARACTER AND WHO IS EMPLOYED TO TEACH OR RENDER PROFESSIONAL SERVICES AT LEAST EQUIVALENT TO 12 SEMESTER HOURS PER SEMESTER.

(14) "PUBLIC EMPLOYEE" MEANS AN EMPLOYEE EMPLOYED BY THE PUBLIC EMPLOYER EXCEPT:

(I) EMPLOYEES INVOLVED DIRECTLY IN THE DETERMINATION OF POLICY;

(II) SUPERVISORY OR CONFIDENTIAL EMPLOYEES; AND

(III) STUDENT ASSISTANTS.

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

(16) "STRIKE" MEANS A PUBLIC EMPLOYEE'S REFUSAL, IN CONCERTED ACTION WITH OTHERS, TO REPORT FOR DUTY, OR WILLFUL 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 THE ACTION, SET FORTH IN SUBPARAGRAPHS (I), (II) OR (III) OF THIS PARAGRAPH, 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.