

(15) "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.

(16) ~~(A)~~ "SUPERVISORY EMPLOYEE" MEANS A PUBLIC EMPLOYEE WHO HAS THE AUTHORITY TO ACT ON BEHALF OF THE PUBLIC EMPLOYER TO:

~~1.~~ (I) HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE OTHER EMPLOYEES;

~~2.~~ (II) DIRECT EMPLOYEES RESPONSIBLY;

~~3.~~ (III) ADJUST EMPLOYEE GRIEVANCES; OR

~~4.~~ (IV) RECOMMEND EFFECTIVELY ONE OF THE ACTIONS SET FORTH IN ITEMS 1 THROUGH 3 OF THIS SUBPARAGRAPH, IF:

~~A.~~ 1. THE EXERCISE OF THIS AUTHORITY IS NOT MERELY OF A ROUTINE OR CLERICAL NATURE; AND

~~B.~~ 2. REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT.

~~(H) UNLESS A DEPARTMENT CHAIRMAN CLEARLY PERFORMS THE FUNCTIONS LISTED IN THIS PARAGRAPH, A DEPARTMENT CHAIRMAN MAY NOT BE CONSIDERED A SUPERVISORY EMPLOYEE FOR THE PURPOSES OF THIS SECTION.~~

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

(C) (1) AFTER RECEIVING A PETITION FOR AN ELECTION FOR EXCLUSIVE REPRESENTATIVE, THE COMMISSIONER SHALL:

(I) INVESTIGATE THE PETITION FOR PURPOSES OF VERIFICATION AND VALIDATION;

(II) CONDUCT A PUBLIC HEARING, RECEIVING WRITTEN AND ORAL TESTIMONY; AND

(III) FILE AN ORDER DEFINING THE MOST APPROPRIATE BARGAINING UNIT.

(2) (I) 1. THE COMMISSIONER MAY NOT DESIGNATE MORE THAN ~~TWO~~ ONE BARGAINING ~~UNITS~~ UNIT.