

Section 7103(a)(10) of the Statute contains a special definition of "supervisor" as it pertains to firefighters and nurses, stating that with respect to any unit including firefighters or nurses, the term "supervisor" includes only those individuals **"who devote a preponderance of their employment time exercising supervisory authority."**

The Statute contains no definition of "nurse" and no specific meaning of the term "nurse" has been developed through Authority cases. Section 7103(a)(17) of the Statute defines "firefighter" as:

...any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

There are two important aspects to the statutory definition of a supervisory firefighter or nurse. The supervisory firefighter or nurse must spend a **preponderance of employment time** engaged in supervisory functions.

***For guidance when analyzing the supervisory status of nurse or firefighter positions, see RCL 27.***

***Relevant questions as to supervisory indicia can be found in HOG 62. The following information is also developed in cases involving the supervisory status of firefighters and nurses:***

- l) Testimony and documentation concerning the mission of the agency or activity and the organizational structure of the fire department or activity to which the firefighters are assigned.
  - a) Testimony concerning the duties of the incumbent and copies of the position description and performance standards for the position in question.
  - b) For the position in dispute, what does the employee do, in the furtherance of fighting fires, utilizing firefighting apparatus, etc.?
  - c) Any special pay and retirement benefits enjoyed by the employee because s/he is a firefighter is included in the record.

- d) What are the work schedules of supervisors and employees?
  - e) Describe the supervisory duties performed by this employee. (See *HOG 62 and RCL 26*)
  - f) Describe the amount of time the employee spends in these supervisory duties during his/her given shift.
  - g) Explore the difference, if any, between duties of the position in dispute and the duties of other employees who work in the same area.
  - h) What is the frequency of contact with other employees by the employee whose position is in dispute?
- 2) Documentation concerning the mission of the agency or activity and the organizational structure of the hospital, clinic or activity to which the nurses are assigned.
- a) Testimony concerning the duties of the incumbent and copies of the position description and performance standards for the position in question.
  - b) Educational requirements for the position at issue.
  - c) Hours of work or type of work schedule worked by the employee, whose position is in dispute, and others in the work area.
  - d) Describe the supervisory duties performed by this employee. (See *HOG 62 and RCL 26*)
  - e) Describe the amount of time the employee spends in these supervisory duties during his/her given shift.
  - f) Have the employee testify about the amount of time s/he spends in patient care.
  - g) Where does this employee work and where do the alleged subordinates work.