

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF

*

DONNA EVANS,
Charging Party,

*

PSLRB Case No.
SV 2012-08

*

v.

*

BOARD OF EDUCATION OF
MONTGOMERY COUNTY,
Charged Party.

*

*

DECISION AND ORDER DENYING REQUEST FOR RELIEF AND GRANTING
MOTION TO DISMISS

I. INTRODUCTION

On March 7, 2012, Donna Evans (“Evans”) filed Form PSLRB-05 – “Charge of Violation of Title 6, Subtitle 4 or Subtitle 5, of the Education Article” – with the Public School Labor Relations Board (“PSLRB”). Form PSLRB-05 reflects the authority granted to the PSLRB by Section 2-205(e)(4)(i) of the Education Article to “decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this Article.”

In the Form PSLRB-05 that she filed, Evans alleges that:

- 1) “From March 10, 2010 through September 7, 2012, [her] principal...interfered and harassed and threatened me” for posting union meeting notices.¹

¹ The reference to September 7, 2012, is obviously in error and should be corrected to indicate September 7, 2011.

- 2) She was discriminated against regarding denial of her sick leave bank application (August 30, 2011).
- 3) Her principal threatened to “be stern with me” (March 10, 2010 – September 7, 2011).
- 4) Her principal issued her a reprimand for representing a teacher at a meeting (March 10, 2010 through September 7, 2011).
- 5) Her principal removed her from her teaching duties (August, 2011).
- 6) The alleged harassment resulted in major depression and anxiety (May, 2011).
- 7) The anxiety and depression resulted in her termination (August, 2011).
- 8) In her charge, at IV. Statutory Violation(s) Alleged, Evans checks G., “Other” and states: “Discrimination in approving Sick Leave Bank based on ADA disability.”

As a remedy, Evans seeks damages of one (1) year’s back pay, COBRA payments, training reimbursements, one additional year’s pay as punitive damages, other benefits not named, and “no bad recommendation to future employers.”

It is the position of the Board of Education of Montgomery County (“MCPS”) that:

- (1) Evans’ charge is untimely and must therefore be dismissed.
- (2) Evans’ charge is outside of the jurisdiction of the PSLRB.
- (3) Evans’ charge is “otherwise without merit.”

II. ANALYSIS

The PSLRB need not for present purposes reach the merits of Evans' charge because we agree with MCPS that the charge filed by Evans on March 7, 2012, is untimely and must therefore be dismissed. Form PSLRB-05 on the cover sheet, makes clear that "In order to be timely, a charge must be filed with the Executive Director of the PSLRB within sixty (60) days after the charging party knew, or reasonably should have known, of the statutory violation alleged." See COMAR 14.34.02.01B. Form PSLRB-05 was filed by Evans with the PSLRB on March 7, 2012. Sixty (60) days prior to that date is January 7, 2012. Each and every one of the above listed alleged violations occurred well before the January 7, 2012 cut off date. Therefore, alleged violations that Evans knew of, or reasonably should have known of, which pre-date January 7, 2012, are time-barred, and not properly before the PSLRB.²

Based on this analysis, Evans' charge is untimely, and for that reason must be dismissed.

ORDER

Evans' request for relief is DENIED, and MCPS' Request for Dismissal is Granted.

² As to her complaint regarding "discrimination" involving her Sick Leave Bank application, while her allegation is unclear, Evans clearly knew of the denial prior to January 7, 2012, since she asserted it in her complaint filed with the Maryland Commission on Civil Rights on November 15, 2011.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD



Seymour Strongin, Chairman



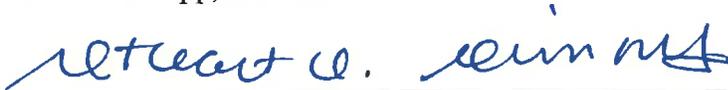
Robert H. Chanin, Member



Charles I. Ecker, Member



Donald P. Kopp, Member



Stuart O. Simms, Member

Glen Burnie, MD

May 15, 2012

APPEAL RIGHTS

Any Party aggrieved by this action of the PSLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland (Administrative Procedure Act – Contested Cases) and Maryland Rules, CIR CT Rule 7-201 et seq. (Judicial Review of Administrative Agency Decisions).