

STATE OF MARYLAND  
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: \*

JAMIE LEWIS, \*

Charging Party, \*

v. \*

PSLRB Case No. SV 2013-05

THE BALTIMORE CITY BOARD  
OF SCHOOL COMMISSIONERS, \*

Charged Party. \*

\* \* \* \* \*

DECISION AND ORDER DENYING REQUEST FOR  
RELIEF AND GRANTING, IN PART, MOTION TO DISMISS

I. INTRODUCTION AND POSITION OF THE PARTIES

On September 7, 2012, Jamie Lewis (“Lewis”), a teacher with the Baltimore City Public Schools, 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, Lewis alleges that the charged party, the Baltimore City Board of School Commissioners (“City Board”) violated “Section 6-409 [or 6-512]: Interference with right of public school employee to exercise certain statutory rights.”

Specifically, Lewis alleges:

- “1. Forced by Baltimore City Public Schools (BCPSS) to work in hostile work environment created by Wanda Young, former Principal at Northeast Middle School during SY 11-12
2. Discriminated by Baltimore City Public Schools after filing a substantiated complaint on 12/7/11 against Wanda Young, former Principal at Northeast Middle School
3. Demoted by Kim Lewis, BCPSS Human Capital Officer on 6/29/12
4. Refused reassignment by Tenia Rogers, BCPSS Human Resource Manager on 7/6/12
5. Directed to remain home without pay by Tisha Edwards, BCPSS Chief of Staff on 7/12/12
6. Directed to remain home without pay by Jerome Jones, BCPSS Labor Relations Associate on 7/12/12
7. Evaluated by non-supervisor, Sean Conley, BCPSS Executive Director on 7/26/12
8. Demoted by Kim Lewis, BCPSS Human Capital Officer on 8/16/12
9. Reassigned as Elementary/Middle School Teacher by Tenia Rogers, BCPSS Human Resource Manager on 8/21/12
10. Reduced salary of \$91,392.00 to \$75,348.00 w/o notification of change by Jerome Jones, BCPSS Labor Relations Associate on week of 9/4/12 after notification of EEOC Charge – Salary of \$75,348.00 was never previously discussed with me by anyone and is neither commiserate to my 17 years of experience and credentials in education (not even as a teacher)”

As a remedy, Lewis seeks reinstatement to her former position as assistant principal at Coppin Academy High School, with back-pay, as well as the restoration of a number of other benefits she claims were denied her.

By letter dated October 30, 2012, Lewis informed the PSLRB that she had

resigned “from Baltimore City Public School System as an English Language Arts Teacher at Coppin Academy High School effective today.”

It is the position of the City Board that:

- 1) “The PSLRB lacks the jurisdiction to hear this charge, and that this is an appeal which would be properly before the Maryland State Board of Education (“MSBE”).”
- 2) “... this charge should be dismissed because there are no factual allegations that support the allegation that there was any violation of Sections 6-409 or 6-512.”

## II. ANALYSIS

At the outset, we reject the City Board’s contention that the PSLRB lacks jurisdiction in this matter. In this regard, the City Board at page 4 of its Motion to Dismiss Due to Lack of Jurisdiction, addresses the merits of Lewis’ allegation that there was a violation of Sec. 6-409 of Title 6 of the Education Article. Section 2-205(e)(4)(i) of the Education Article directs the PSLRB to “decide any controversy or dispute arising under Title 6, Subtitle 4 or 5 of this Article.”

We agree with the City Board that there are no factual allegations to support a charge of a violation of Section 6-409 (Section 6-512 is not applicable in this matter). Section 6-409 of the Education Article provides that “[a] public school employer ... may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of [her] rights” under Sec. 6-402 and 6-403. Sections 6-402 and 403 provide that employees are allowed to “form, join and participate in the

activities of employee organizations of their own choice.” Additionally, “employees may refuse to join or participate in the activities of employee organizations.”<sup>1</sup>

We find that the instant charge is bereft of facts in support of the allegation that the City Board or any of the City schools, took any action detrimental to Lewis because of her union activity or lack thereof. It is for this reason that the instant charge alleging violation of Section 6-409 must be dismissed.

### III. CONCLUSION

Based on our analysis, Lewis’ charge is without merit and must therefore be DISMISSED.

### IV. ORDER

Lewis’ request for relief is DENIED. The City Board’s Motion to Dismiss Due to Lack of Jurisdiction is DENIED. The City Board’s request to dismiss for Lewis’ failure to present facts in support of her allegations that the City Board violated Section 6-409 of the Education Article is GRANTED.<sup>2</sup>

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<sup>1</sup> Section 6-409. Interference with employees prohibited, reads as follows: “A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under Section 6-402 and 6-403 of this subtitle.” Section 6-402. Employees may join organization; ... reads as follows: “(a) Employees may form and join organizations – Public school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.” Section 6-403 reads as follows: “A public school employee may refuse to join or participate in the activities of employee organizations.”

<sup>2</sup> The City Board moves to dismiss the instant charge filed pursuant to Section 6-409 of the Education Article for the reason that the City Schools’ Superintendent’s decision to reassign Lewis from an Assistant Principal position to a teaching position was in keeping with the Superintendent’s statutory authority set forth in Section 6-201(b) of the Education Article to assign and transfer staff “as the needs of the schools require.” Therefore, according to the City Board, the allegations in this charge are in actuality an appeal of the decision to reassign Lewis, which Section 6-201 delegates to the Superintendent. As a result, according to the City Board, “the Maryland State Board of Education (MSBE) has jurisdiction over the issues raised in this appeal.”

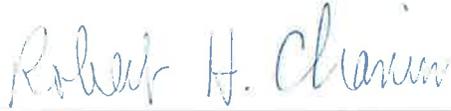
In that Lewis’ charge alleges a violation of Section 6-409 (“Interference with right of public school employee to exercise certain statutory rights”), it is incumbent on the PSLRB to determine whether or not the

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATION BOARD



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Seymour Strongin, Chairman



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Robert H. Chanin, Member



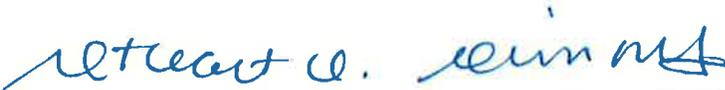
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Charles I. Ecker, Member



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Donald P. Kopp, Member



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Stuart O. Simms, Member

Glen Burnie, MD  
January 14, 2013

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, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).

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alleged “interference” was the result of Lewis’ union activity or lack thereof. Having found that there was a failure to present facts in support of this allegation, the PSLRB has dismissed the charge. In other words, we are in agreement with the City Board’s position that “there are no factual allegations that support the allegation that there was any violation of Sections 6-409 or 6-512,” and therefore the charge must be dismissed. Having made such finding, and having asserted jurisdiction, we find it unnecessary to address the City Board’s claim that the PSLRB has no jurisdiction over what the City Board claims to be an appeal under Section 6-201.