

STATE OF MARYLAND  
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: \*

BERTHA TOWNSEND, \*

Charging Party, \*

v. \* PSLRB Case No. SV 2013-03

BALTIMORE COUNTY PUBLIC \*

SCHOOLS, \*

Charged Party. \*

\* \* \* \* \*

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

I. INTRODUCTION AND POSITIONS OF THE PARTIES

On September 7, 2012, Charging Party, Bertha Townsend (“Townsend”), a guidance counselor with the Baltimore County Public Schools (“BCPS”), 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.”

Townsend alleges that her employer, BCPS, violated Section 6-409 or 6-512 of the Education Article: “Interference with right of public school employee to exercise certain statutory rights.”<sup>1</sup> Townsend also checks violation “G” on Form PSLRB-05 which is “Other” –

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<sup>1</sup> Section 6-409 [6-512 is not applicable here] states: “A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the

“Contract violations as listed including continuous unfair, disrespectful and abusive treatment.”

She adds “Please see attached timeline of incidents.”

In Townsend’s above referred to “Time Line of Activities at Randallstown High School,” Townsend lists fifteen (15) incidents starting with May, 2010, ending with incidents in May, 2012 (no specific dates in May are given).

In her charge of “Other,” Townsend alleges “hostile environment” numerous times as well as dissatisfaction with her appraisals, evaluations, and various “contract violations.”

As a remedy, Townsend requests that her records be cleansed of any adverse material, and she be compensated for “pain and suffering,” that she be promoted, that she receive written apologies from a list of named persons, that she be allowed to work in a “professional environment,” that she be “placed in an appropriate position, considering her past service and work experience,” and that an investigation be conducted “for the need of an extended work contract for guidance counselors....”

On September 18, 2012, BCPS moved to dismiss Townsend’s complaint on the basis that the alleged violations were time barred and that no facts were presented to support the allegation that her union activity or lack thereof had anything to do with her charges concerning Section 6-409. BCPS also contends that Townsend has stated claims for which relief cannot be granted and that Townsend is pursuing “duplicate allegations” through the administrative appeal of her final evaluation.

## II. ANALYSIS

The PSLRB cannot reach the merits of Townsend’s charge because we find that the charge filed by Townsend on September 7, 2012, is untimely and must therefore be dismissed.

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exercise of his rights under Sec. 6-402 and 6-403 of this subtitle.” These two sections provide that public school employees are free to join and participate or refrain from joining or participating in the activities of an employee organization.

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.” Thus, in the present case, in order to be timely, and therefore eligible for consideration, alleged incidents of statutory violation must have occurred during the sixty (60) day open period from July 7 – September 7, 2012.

According to Townsend’s own exhibit, the period of time in which her employer allegedly “interfered” with her “right...to exercise certain statutory rights” was from May, 2010 through May, 2012. Thus, Townsend complains about actions and events that she “knew or reasonably should have known” that took place before sixty (60) days prior to her filing her charge on September 7, 2012. In order to be timely, Townsend’s charge had to be filed not later than July of 2012. This includes Townsend’s allegations regarding “hostile environment, unfavorable evaluations, dissatisfaction with her appraisals and various “contract violations.”

### III. CONCLUSION

Based on our analysis, Townsend’s charge is untimely and therefore must be DISMISSED.

### IV. ORDER

Townsend’s request for relief is DENIED, and BCPS’ Request for Dismissal is GRANTED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATION BOARD



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Seymour Strongin, Chairman



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Robert H. Chanin, Member



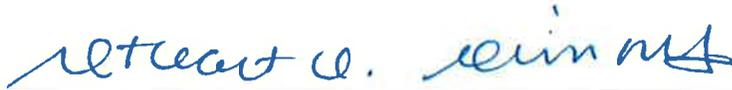
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Charles I. Ecker, Member



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Donald P. Kopp, Member



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Stuart O. Simms, Member

Glen Burnie, MD  
January 14, 1013

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).