

STATE OF MARYLAND  
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: \*

BERTHA TOWNSEND, \*

Charging Party, \*

v. \*

PSLRB Case No. SV 2013-04

TEACHERS ASSOCIATION OF \*  
BALTIMORE COUNTY, \*

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, 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.”

In her charge, Townsend alleges that her union, the Teachers Association of Baltimore County (“TABCO”), breached its “Duty of Fair Representation,” in violation

of Section 6-407(b) of the Education Article.<sup>1</sup>

Townsend also alleges a violation of Section 6-409: “Interference with right of public school employee to exercise certain statutory rights.”<sup>2</sup>

As a remedy, Townsend requests the following: (1) To be made “whole as an employee with compensation, benefits, salary and time,” (2) “Eliminate...damaging and negative materials from my file and personnel record(s),” (3) Compensation for “pain and suffering” and “lack of employment,” and (4) a letter of recommendation recognizing her “accomplishments and work.”

TABCO’s position is as follows:

- (1) The charge is untimely in that it concerns events that took place more than 60 days prior to the filing of her charge on Sept. 7, 2012.
- (2) The charge must be dismissed in that Townsend fails to assert that TABCO was ever made aware of any of her concerns that may have led to a duty to fairly represent her.
- (3) The Unfair Labor Practice (“ULP”) charge fails to allege that TABCO ever had a duty to represent her and failed to do so.

Finally, TABCO states that:

“The Charge, as filed, makes it difficult for TABCO to respond in detail as there is no clear explanation of exactly what facts allegedly support the cited statutory violations as the Charging Party has failed to concisely state what actions led to the alleged violations, but instead attempts to rely on several disjointed

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<sup>1</sup> Section 6-407(b) Fair Representation reads as follows: “An employee organization designated as an exclusive representative shall represent all employees in the unit fairly and without discrimination, whether or not the employees are members of the employee organization.”

<sup>2</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.” 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.

documents that fail to present a clear ‘statement of facts.’”

## II. ANALYSIS

In regard to the charge concerning a Section 6-409 violation, and in regard to the Section 6-407(b) charge, Townsend has failed to “provide a clear and concise statement of the facts constituting the alleged statutory violations...,” as required by “V. Statement of Facts” in Form PSLRB-05.<sup>3</sup> In that Townsend has failed to provide facts in support of her charge that TABCO interfered with her right to join or not to join an employee organization, and that TABCO violated its “Duty of Fair Representation,” we dismiss the charges of violations of Section 6-409 and Section 6-407(b) of the Education Article.

## III. CONCLUSION

Based on the above, we hold that Townsend’s charge must be DISMISSED.

## IV. ORDER

Townsend’s request for relief is DENIED, and TABCO’s Motion to Dismiss is GRANTED.

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<sup>3</sup> Section V. “STATEMENT OF FACTS,” Form PSLRB-05, states:

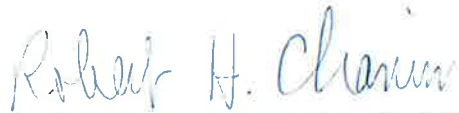
“Provide a clear and concise statement of the facts constituting the alleged statutory violations, including the names and positions of individuals involved and the duties and places of the occurrences giving rise to the charges.”

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATION BOARD



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Seymour Strongin, Chairman



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Robert H. Chanin, Member



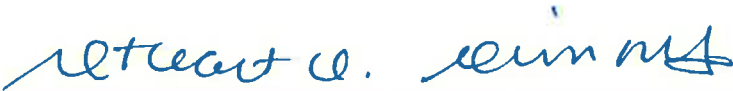
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Charles I. Ecker, Member



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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).