

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: *

DONNA BECKETT *

Charging Party, *

v. * PSLRB Case No. SV 2014-04

*

AFSCME, LOCAL 2250 *

Charged Party *

* * * * *

DECISION AND ORDER DENYING REQUEST FOR RELIEF
AND DISMISSING CHARGE

I. INTRODUCTION

Donna Beckett (“Charging Party”) was employed in a non-certificated position with the Prince George’s County Board of Education (“County Board”). On October 7, 2013, she filed a Charge of Violation of Title 6, Subtitle 4 or Subtitle 5, of the Education Article (“Form PSLRB-05”) with the Public School Labor Relations Board (“Board” or “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, Charging Party alleges that her union, AFSCME Local 2250 (“Local

2250”), violated Section 6-509(b)¹ of the Education Article by failing to respond to her request for assistance.

II. FINDINGS OF FACT²

Charging Party was employed as a bus attendant with the County Board’s transportation department until she sustained a work-related injury on November 6, 2009. The County Board then placed Charging Party on Worker’s Compensation leave for a period of 90 days, followed by a leave of absence that ended on March 19, 2012.

Charging Party submitted a release to the County Board authorizing her return to work on April 19, 2012. However, Charging Party did not return to work on that date, and did not contact the County Board about her return to work until a week later. As a result, the County Board terminated Charging Party’s employment effective April 20, 2012.

By email dated May 1, 2012, Local 2250 contacted the County Board concerning Charging Party’s return to work. The County Board responded to that email on May 2, 2012, explaining that Charging Party did not submit her return to work authorization until one month after her leave of absence ended on March 19, 2012, and did not contact the County Board’s Human Resources office until one week after submitting the authorization.

¹ Section 6-509(b). “Fair Representation” – (1) 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.”

² The facts herein and all reasonable inferences drawn from them are considered in the light most favorable to Charging Party.

On April 8, 2013, Local 2250 again contacted the County Board seeking to facilitate Charging Party's return to work. The County Board thereafter made efforts to place Charging Party into a substitute position in the transportation department. However, by letter dated October 8, 2013, the County Board notified Charging Party that she would not be placed into this position because she failed to complete the pre-employment process, and misrepresented her employment status to County Board transportation department officials.

III. POSITIONS OF THE PARTIES

Charging Party states that Local 2250 has not responded to her request for assistance in securing a return to her permanent position as a bus attendant. Local 2250 maintains that it appropriately responded to Charging Party, and fulfilled its duty of fair representation by contacting the County Board on Charging Party's behalf to facilitate her return to work. Local 2250 also contends that Charging Party did not timely file her Charge, and that its efforts to help Charging Party return to work were undermined by her failure to complete the County Board's pre-employment process. In this regard, Local 2250 notes that Charging Party appeared at the worksite prior to completing the pre-employment process, and falsely represented to transportation department officials that she had been authorized to return to work.

IV. ANALYSIS

Form PSLRB-05 instructs charging parties to "[p]rovide a clear and concise statement of the facts constituting the alleged statutory violation(s), including the names and positions of individuals involved and the dates and places of the occurrences giving rise to the charge."

Here, Charging Party's allegations concerning Local 2250 consist of the following: (1) "(Local 2250) had no respond from them"; and (2) "Local 2250 is not respond any way." Charging Party has therefore failed to submit factual information required by Form PSLRB-05, i.e., she has not provided a "concise statement of the facts constituting the alleged statutory violation(s)," "the names and positions of the individuals involved," or the "dates and places of the occurrences giving rise to the charge."

Charging Party has also not submitted sufficient information to support her claim that Local 2250 breached its duty of fair representation, i.e., that it failed to "serve the interests of all members without hostility or discrimination," "exercise its discretion with complete good faith and honesty," or "avoid arbitrary conduct." *Sylvia Walker, et al. v. The Baltimore Teachers Union, et al.*, PSLRB Case No. SV 2012-10 (2012) (quoting *Stanley v. American Federation of State and Municipal Employees, Local No. 553, et al.*, 165 Md. App. 1 (2005) (citations omitted)). To the contrary, the evidence presented indicates that Local 2250 provided assistance to Charging Party in April 2012 following her termination from employment, and in April 2013 when it attempted to facilitate her return to work in a substitute position. Under these circumstances, we find no basis for concluding that Local 2250 breached its duty of fair representation.

V. CONCLUSION

For the reasons set forth herein, we conclude that the Charge in the instant matter, PSLRB Case No. SV-2014-04, is DISMISSED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD



Seymour Strongin, Chairman



Robert H. Chanin, Member



Charles I. Ecker, Member



Donald W. Harmon, Member

Annapolis, MD
December 3, 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, Section 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).