

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: *

GURINDER CHOUDHARY *

Charging Party, *

v. * PSLRB Case No. SV 2014-08

*

PRINCE GEORGE’S COUNTY *
BOARD OF EDUCATION *

Charged Party *

* * * * *

DECISION AND ORDER DENYING REQUEST FOR RELIEF
AND DISMISSING CHARGE

I. INTRODUCTION

Gurinder Choudhary (“Charging Party”) was employed in a certificated position with the Prince George’s County Board of Education (“County Board”). On November 13, 2013, he 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 his Charge, Charging Party alleges that the County Board provided him with

“biased evaluations” and breached his employment contract.

II. FINDINGS OF FACT

1. 2008 – 2009 School Year

In August 2008, Charging Party was hired by the County Board as a Secondary English Teacher. Charging Party states that he is “a Sikh by religion,” and that he wears “a turban and do[es] not shave.” He contends that “students addressed [him] as Osama Bin Laden and passed adverse remarks on [his] turban.” Charging Party also contends that he “could sense bias by the Principal” and that he “became stressed which also adversely affected [his] confidence and [his] performance as a new Teacher.” Charging Party claims that his request to management to discipline those students went unheeded, and that “this factor was used against [his] performance and classroom management.”

Charging Party states that his overall performance evaluation for the 2008 – 2009 school year was based on several classroom observations. He contends that he was rated “good” in the first classroom observation conducted by Principal Michael Brooks. Charging Party maintains that he was rated “unsatisfactory” in his second observation, conducted by Vice Principal Sara Alexander. He states that the third classroom observation was also satisfactory. Notwithstanding these satisfactory evaluations, Charging Party states that he received an overall unsatisfactory evaluation at the end of the school year. As a result of the unsatisfactory evaluation, Charging Party resigned from his position in August 2009.

2. Employment Contract

Charging Party states that he received a Contract of Employment from the County Board on December 1, 2012. Under the terms of the Contract, Charging Party contends that his employment as a teacher with the County Board was supposed to commence in January 2013. However, Charging Party states that he was thereafter informed by the County Board that he would not begin employment until the 2013 – 2014 school year. The County Board subsequently notified Charging Party by email dated July 30, 2013, that he was “not eligible for a consideration for rehire.” The County Board’s decision was based on Charging Party’s “[u]nsatisfactory performance as a classroom teacher.”

III. POSITIONS OF THE PARTIES

Charging Party contends that his overall 2008 – 2009 performance evaluation was biased, and that the County Board breached his contractual agreement to begin teaching during the 2013 – 2014 school year.

The County Board maintains that the Charge should be dismissed as it does not allege any statutory violations over which the PSLRB has jurisdiction. Even if the PSLRB had jurisdiction over Charging Party’s claims, the County Board contends that the Charge is time-barred, having been filed outside the 60-day limitations period.

IV. ANALYSIS

The PSLRB’s Regulations provide that a Charge “must be filed with the Executive Director ... within 60 days after the charging party knew, or reasonably should have known, of the statutory violation alleged.” Code of Maryland Regulations (COMAR) 14.34.02.01B. , Given that Charging Party’s claims arise out of his 2008 – 2009 performance evaluation and

the July 30, 2013 breach of his employment contract, it is clear that Charging Party “knew or reasonably should have known” of the alleged statutory violations more than 60 days prior to November 13, 2013, the date on which he filed his Charge with the PSLRB. Accordingly, the Charge is untimely and is dismissed on that basis.¹


V. CONCLUSION

For the reason set forth herein, we conclude that Charging Party failed to file this action in a timely fashion, and therefore DISMISS the Charge.

ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN THE INSTANT MATTER, PSLRB Case No. SV 2014-08, IS DISMISSED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD



Seymour Strongin, Chairman



Robert H. Chanin, Member



¹ Even if Charging Party had filed his Charge in a timely fashion, he has not alleged that the County Board violated his rights under Title 6, Subtitle 4, of the Education Article. In the absence of any such allegation, this is not a matter over which the PSLRB has jurisdiction.

Charles I. Ecker, Member



Donald W. Harmon, Member

Annapolis, MD

January 6, 2014

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).