

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: *

MYRNA ROBERTS *

Charging Party, *

v. * PSLRB Case No. SV 2014-10

*

CROSSLAND HIGH SCHOOL, *

Charged Party. *

* * * * *

DECISION AND ORDER DISMISSING CHARGE

I. INTRODUCTION

Myrna Roberts (“Charging Party”) is employed in a certificated position with the Prince George’s County Board of Education (“County Board”). On December 18, 2013,¹ she filed a Charge of Violation of Title 6, Subtitle 4 and Subtitle 5, of the Education Article (“Form PSLRB-05”) 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

¹ Charging Party used a single PSLRB Form-05 to file her December 18, 2013 Charge against Crossland High School, the County Board, and the Prince George’s County Educators’ Association (“PGCEA”). Upon notice from the PSLRB that “a separate form must be filed for each party,” Charging Party requested that the December 18, 2013 Charge be filed against the Crossland High School, and thereafter filed separate Charges against the County Board and PGCEA on December 20, 2013.

Education Article to “decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this Article.”

The Charging Party alleges that Crossland High School (“Crossland”) violated Section 6-409² of the Education Article by the manner in which it conducted what she alleges was a disciplinary or *Loudermill* hearing,³ in addition to violating various provisions of the collective bargaining agreement between the County Board and the Prince George’s County Educators’ Association (“PGCEA”) as well as her rights to participate in an employee organization.

II. FINDINGS OF FACT

Charging Party has been employed as a mathematics teacher at Crossland since 1999. Charging Party states that she received notice of a scheduled October 23, 2013 *Loudermill* hearing. Charging Party indicates that she attended the hearing with her PGCEA representative, and was informed that her “Independent Medical Evaluation (IME) was denied,” and of the “schools [sic] allegations and [her] past behavior of unprofessionalism dating back to 1999.” Charging Party also states that “the school read some evidence into the

² Section 6-409 of the Education Article provides 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 §§ 6-402 and 6-403 of this subtitle.

³ A *Loudermill* hearing provides tenured public employees with “oral or written notice of the charges against [them], an explanation of the employer’s evidence, and an opportunity to present [their] side of the story” prior to termination. *See Cleveland Bd. of Ed. v. Loudermill*, 470 U.S. 532 (1984) (public employee dismissible only for cause has a property interest in continued employment which is subject to deprivation only through procedures that satisfy the Due Process Clause of the Fourteenth Amendment).

record” at the hearing, but that neither she nor her PGCEA representative “were provided a copy of this evidence until it was mailed to [her] on November 19, 2013.”

At the conclusion of the hearing, Charging Party states that she was asked by the County Board to respond to the allegations concerning her past behavior. Charging Party indicates that she was “unable to comment on any of the allegations” because she “d[id] not have the documents for review.” Charging Party states that the County Board then notified her that she was being transferred “to an alternative site or to the ‘John E. Howard’ building.”

III. POSITION OF THE PARTIES

Charging Party contends that no one informed her in advance about the nature of the *Loudermill* hearing or its ramifications. Charging Party also claims that Crossland violated various provisions of the collective bargaining agreement between the County Board and the PGCEA.⁴ Charging Party further states that she has been “stripped of all of [her] teaching duties” as a result of her transfer to the John E. Howard Building. Finally, the Charging Party asserts that the County Board interfered with her right to participate in an employee organization.

Crossland responds that the Charging Party has erroneously named it as a party and that a high school is not a legal entity capable of being charged under Title 6 of the Education

⁴ Charging Party has asserted procedural violations of Article 4.08 (A)-(F) (teacher evaluations) and Article 4.15 (E) (teachers’ rights), and generally asserted a violation of Article 4.17 (C)-(D) (control and discipline) of the Negotiated Agreement.

Article. Rather, as Crossland points out, the County Board is the “public school employer” subject to the jurisdiction of the PSLRB.⁵

IV. ANALYSIS

Charging Party’s alleged statutory violations are premised on Crossland having violated her rights under Section 6-409 of the Education Article. As noted above, Section 6-409 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 his rights under §§ 6-402 and 6-403 of this subtitle.” By its express terms, therefore, Section 6-409 applies to “public school employers.” The term “public school employer” is defined in the statute as “a county board of education” Md. Code Ann., Educ. § 6-401(f). Because Crossland is not “a county board of education,” it does not fall within the statutory definition of “public school employer,” and is consequently not susceptible to a Charge alleging a violation of Section 6-409.⁶

V. CONCLUSIONS OF LAW

For the reason set forth herein, we conclude that Charging Party has failed to establish a violation of Section 6-409, and therefore DISMISS the Charge.

⁵ Given that the other allegations in the Charge are not relevant given the PSLRB’s conclusion regarding standing, it is not necessary to set forth Crossland’s response to the other allegations.

⁶ Crossland is not a legal entity capable of being charged and as such cannot be named as a representative of the County Board. Moreover, the County Board is already named as a party in a separate charge asserting the same allegations as those against Crossland.

ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN THE INSTANT MATTER,
PSLRB Case No. SV 2014-10, 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
April 29, 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).