

STATE OF MARYLAND
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: *

BEVERLY COLEMAN, *

Charging Party, *

v. * PSLRB Case No. SV 2022-01

STEPHANIE WALTERS, et al *

Charged Parties. *

* * * * *

**DECISION AND ORDER DENYING REQUEST FOR RELIEF AND
DISMISSING CHARGE**

I. DECISION

a. PROCEDURAL AND FACTUAL BACKGROUND

On October 13, 2021, Beverly Coleman filed a CHARGE OF VIOLATION OF TITLE 6, SUBTITLE 4 OR SUBTITLE 5, OF EDUCATION ARTICLE (Form PSLRB-05) with the Public School Labor Relations Board (“PSLRB”). Form PSLRB-05 reflects the authority granted to the PSLRB by the Education Article of the Annotated Code of Maryland to “decide any controversy or dispute arising under Title 6, Subtitle 4 or 5 of this Article.” Md. Code Ann., Educ. § 2-205(e)(4)(i). Under Section IV. of the Charge, Ms. Coleman checked off the following sections: “Section 6-407(b) or 6-509(b): Duty of fair representation” and “Other (Specify statutory section).”¹ More specifically, Ms. Coleman alleges that she was not provided adequate representation regarding a dispute with Prince Georges County Public Schools (“PGCPS”) in which she claimed that she was not paid for 60 hours worked during the summer of 2021.

In her Charge, Ms. Coleman named Stephanie Walters (employee of the Maryland State Education Association (“MSEA”)), Gary Brennan (employee of the MSEA), and Theresa Dudley (former President of Prince Georges County Education Association (“PGCEA”) and Vice President of the MSEA) as the Charged Parties.

On October 26, 2021, the Charged Parties filed a Motion to Dismiss (“Response”). In their Response, the Charged Parties asserted, among other claims, that “this matter should be

¹ Ms. Coleman did not specify a statutory section.

dismissed as Ms. Coleman’s unit membership in the unit represented by PGCEA ended July 12, 2021, when she resigned from PGCPSS... [and] any duty owed to Ms. Coleman ended when she ceased to be a member in the bargaining unit represented by PGCEA.”

On November 5, 2022, Ms. Coleman filed a motion to amend her Charge, which was approved by the PSLRB on November 26, 2022 (“Amended Charge”). The Amended Charge added the following Charged Parties: PGCPSS, Charoscar Coleman (PGCPSS Associate of Superintendent of Supporting Services), Damon R. Felton (Representative for MSEA/National Education Association), and PGCEA.

No other filings were received in this matter.

Prior to the filing of this Charge, on July 12, 2021, Ms. Coleman resigned from her position with PGCPSS where she was an employee of the bargaining unit represented by the PGCEA. Therefore, at the time Ms. Coleman filed her Charge, she was no longer an employee of PGCPSS, nor a member of the bargaining unit represented by PGCEA.

a. ANALYSIS

The PSLRB has jurisdiction over “employee organizations,” “public school employees,” and “public school employers.” Md. Code Ann., Educ. Article, Sections 6-401(c), (e)(1), and (f), and 6-501(d), (g), and (h).

Sections 6-402 and 6-503(a) of the Education Article establish the right of public school employees “to form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.” Sections 6-407(b)(1) and 6-509(b) state, “[a]n 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.” (Emphasis added). Read together, these sections make it unlawful for an employee organization designated as the exclusive representative to fail or refuse to represent **a public employee** on all matters relating to salaries, wages, hours, and other working conditions, and permit **public employees** to file a charge against an employee organization designated as the exclusive representative for a failure or refusal to do so.

The PSLRB has previously dismissed at least one unfair labor practice charge on the basis that the charging party was no longer a public school employee, and therefore did not have standing to bring a charge. See Blake v. Baltimore County Public School System, PSLRB Case No. SV 2018-04. While that case involved a charge filed by a public school employee against a public school employer (as opposed to the employee’s exclusive bargaining representative), this principle may reasonably be applied where an employee voluntarily resigns from his or her position with a public school employer and is no longer a member of the bargaining unit represented by the exclusive bargaining representative.

As indicated above, Ms. Coleman resigned from her position on July 12, 2021. Because Ms. Coleman resigned from her position on July 12, 2021, and therefore, was no longer a public school employee at the time she filed her Charge, nor a member of the bargaining unit represented by PGCEA, Ms. Coleman lacks standing to file the instant Charge.

b. CONCLUSION

For the foregoing reasons, Ms. Coleman's Charge is hereby dismissed.

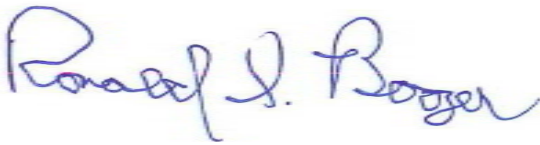
II. ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN PSLRB Case No. SV 2022-01 IS DISMISSED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD:



Elizabeth M. Morgan, Chair



Ronald S. Boozer, Member



Robert H. Chanin, Member



R. Allan Gorsuch, Member



Philip S. Kauffman, Member

Annapolis, MD

March 1, 2022

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).