

STATE OF MARYLAND  
PUBLIC SCHOOL LABOR RELATIONS BOARD

IN THE MATTER OF: \*  
ANTONIO DORSEY, \*  
Charging Party, \*  
v. \* PSLRB Case SV 2018-01  
BOARD OF EDUCATION OF \*  
BALTIMORE COUNTY, \*  
Charged Party. \*

\* \* \* \* \*

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

I. INTRODUCTION AND POSITIONS OF THE PARTIES

On July 5, 2017, Antonio Dorsey 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).

In his Charge, Mr. Dorsey asserts that Baltimore County Public Schools (“BCPS”) breached its duty of fair representation in violation of Section 6-509(b) of the Education Article. Mr. Dorsey appears to base this assertion on the claim that BCPS denied his right to union representation during the disciplinary process.

On July 26, 2017, in response to Mr. Dorsey’s Charge against BCPS, the Board of Education of Baltimore County (“Board of Education”) filed a Response to Complaint and Motion to Dismiss (“Response”). In its Response, the Board of Education asserts the following three defenses. First, the Board of Education argues that Section 6-509 is inapplicable to public school employers. Second, the Board of Education argues that Mr. Dorsey’s claims are devoid of specific information and fail to state a claim for which relief can be granted. Finally, the Board of Education argues that this matter falls outside of the PSLRB’s jurisdiction.

On August 2, 2017, Mr. Dorsey requested that the PSLRB allow him to supplement his Charge with additional information. Mr. Dorsey’s request was not granted.

## II. ANALYSIS

Section 6-509(b) of the Education Article states “[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.) This Section imposes a duty of fair representation on an employee’s **exclusive representative**, and an employee may file a charge alleging that the **exclusive representative** violated that duty. Section 6-509(b) is inapplicable to public school employers, and an employee may not file a charge against a public school employer alleging a violation of the duty of fair representation.

Mr. Dorsey’s Charge against BCPS, therefore, must be dismissed.<sup>1</sup>

## III. CONCLUSIONS OF LAW

For the reasons stated herein, we conclude that Section 6-509(b) of the Education Article is applicable only to the exclusive negotiating representatives of public school employees, not public school employers.

## IV. ORDER

IT IS HEREBY ORDERED THAT THE CHARGES IN PSLRB Case No. SV 2018-01 IS DISMISSED.

BY ORDER OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD



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Elizabeth M. Morgan, Chair



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Robert H. Chanin, Member

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<sup>1</sup> Because we are dismissing the instant Charge on the ground that Section 6-509(b) is inapplicable to public school employers, we need not reach the Board of Education’s secondary and tertiary defenses.

Ronald S. Boozer

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Ronald S. Boozer, Member

Donald W. Harmon

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Donald W. Harmon, Member

John A. Hayden III

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John A. Hayden, III, Member

Annapolis, MD

October 27, 2017

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).