

Maryland Public Employee Relations Board

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Wes Moore,
Governor

Membership

Lafe E. Solomon, *Chair*
Harriet E. Cooperman
Judith E. Rivlin
Jennifer Epps

In the Matter of:	*	
AFSCME Council 3 & Officer Farouqah Idris,	*	
Charging Parties,	*	
v.	*	PERB ULP 2024-29
Department of Public Safety and Correctional Services,	*	
	*	
Respondent.	*	

DECISION AND ORDER

I. Procedural Background

On June 6, 2024, AFSCME Council 3 and Officer Farouqah Idris (“Charging Parties”) filed an unfair labor practice charge against the Department of Public Safety and Correctional Services (“Department” or “Respondent”). The charge alleged that the Department violated the Public Employee Relations Act (“PERA”), State Gov’t Art. § 22-206, when it refused to permit Officer Idris, an elected union officer and co-chair of the Labor-Management Committee (“LMC”), to attend the March 26, 2024 LMC meeting at Maryland Correctional Institution – Jessup (“MCI-J”).

The charge was docketed as PERB ULP 2024-29. Following investigation, the Board issued a complaint on November 14, 2024. On July 28, 2025, the parties filed joint exhibits and stipulations. On August 27, 2025, the Charging Parties filed their supporting brief, and the Respondent filed its Memorandum on the same date. The Board has considered the Report and Recommendation, the parties’ written submissions, and the full record, and now issues this Decision and Order.

II. Factual Background

Officer Farouqah Idris has served as a Correctional Officer II since 2013 and is a member of Bargaining Unit H. In 2019, she was elected Vice-President of her local union and, by virtue of that office, became AFSCME's co-chair of the MCI-J LMC. Under Article 5 of the parties' Memorandum of Understanding ("MOU"), AFSCME has the right to "select or appoint its members to the LMC." Since 2019, Idris has routinely organized LMC agendas, selected AFSCME participants, and co-chaired meetings with the Warden.

The workplace at issue is not a typical office environment but a correctional institution where access and movement are tightly controlled. The March 26, 2024 LMC was scheduled in the roll call room, a non-inmate, administrative area used for management meetings. Idris had participated in LMC meetings for years, including most recently on February 27, 2024, without incident.

On February 28, 2024, the day after the February LMC, Warden Christopher Smith issued Idris an email prohibiting her from "visiting, representing, or conducting business at MCIJ." No explanation or operational justification was provided. Despite this, Idris continued to fulfill her role as AFSCME co-chair, circulating the agenda and attendee list for the March 26 meeting, which Warden Smith confirmed.

When Idris arrived for the March 26 meeting, Department officials refused her entry, while other AFSCME representatives were permitted to attend. Idris objected, stating she had a right to be present as AFSCME's designated co-chair, but she was ordered to leave and ultimately complied. Since that time, she has been permitted to participate only remotely, under protest.

The Department points to disciplinary proceedings involving Idris in September 2023, which resulted in her transfer from MCI-J to MCI-W. Further, in December 2023, Warden Smith issued a Notice of Disciplinary Charges to Idris, recommending that she be terminated. Idris appealed the proposed termination and was an employee of the Department on March 26.¹

III. Positions of the Parties

Charging Parties' Position

Charging Parties argue that the Department's refusal to allow Idris into the March 26 meeting violated PERA §§ 22-206(a)(1) and (2). They contend that AFSCME has an unqualified

¹ The Department recounts events in May 2024, which resulted in the Department suspending Idris, proposing her termination and banning her from entering all Department facilities. As those events occurred after Idris' exclusion from the March 26 meeting—the only issue before us—they are not relevant to our decision.

right to select its LMC representatives and that Idris, as an elected union officer, was entitled to participate. They emphasize that Idris was still a Department employee and had been allowed to attend LMCs up through February 2024, making her exclusion directly linked to her union activity.

Respondent's Position

The Department asserts that Idris' prior misconduct justified limiting her access to MCI-J. It argues that management retains discretion to supervise and discipline employees, and that Idris could have participated remotely. Citing *TNT Logistics of North America v. NLRB*, 413 F.3d 402 (4th Cir. 2005), and its statutory authority under PERA § 22-204(b), the Department claims its actions were a lawful exercise of management rights and did not amount to an unfair labor practice.

IV. Analysis

The Board begins by setting forth the statutory framework that governs this dispute. PERA, SG § 22-201, guarantees to Maryland public employees the right to form, join, and participate in employee organizations, to engage in concerted activities for collective bargaining or mutual aid and protection, and to freely choose representatives to act on their behalf. These rights parallel the protections of Section 7 of the National Labor Relations Act ("NLRA"), and the General Assembly has directed this Board to give persuasive weight to federal precedent interpreting the NLRA. SG § 22-103.

Section 22-206 of PERA sets forth prohibited conduct by public employers. It is an unfair labor practice for a public employer to interfere with, restrain, or coerce employees in the exercise of their statutory rights (§ 22-206(a)(1)), or to interfere with the formation or administration of an employee organization (§ 22-206(a)(2)). These provisions are modeled on Sections 8(a)(1) and 8(a)(2) of the NLRA. The test under these provisions does not turn on an employer's subjective intent. Instead, the question is whether the employer's conduct reasonably tends to interfere with employees' protected rights. See *Republic Aviation Corp. v. NLRB*, 324 U.S. 793 (1945); *Beth Israel Hospital v. NLRB*, 437 U.S. 483 (1978).

The Supreme Court has long recognized that restrictions on employees' rights to engage in union activity at the workplace are presumptively unlawful. In *Republic Aviation Corp. v. NLRB*, 324 U.S. 793 (1945), the Court affirmed that workplace rules prohibiting employees from engaging in union activity absent special circumstances are "an unreasonable impediment to self-organization." This principle was reaffirmed in *Beth Israel Hospital v. NLRB*, 437 U.S. 483 (1978), which struck down a hospital's ban on solicitation in employee cafeterias.

Subsequent NLRB cases have elaborated on this principle. For example, in *Tri-County Medical Center*, 222 NLRB 1089 (1976), the Board held that rules barring off-duty employees from nonwork areas such as parking lots and gates are invalid absent special justification.

Likewise, in *Tesla, Inc.*, 370 NLRB No. 101 (2021), and *Meijer, Inc.*, 344 NLRB 916 (2005), the NLRB found violations where employers sought to prevent employees from distributing union materials or engaging in solicitation while off duty on company property.

The NLRB has also emphasized the unique role of the workplace as the natural forum for collective activity. In *New York New York Hotel & Casino*, 356 NLRB 907, 914 (2011), the NLRB explained that “the workplace is the one place where employees clearly share common interests and where they traditionally seek to persuade fellow workers in matters affecting their union organizational life and other matters related to their status as employees,” citing *Eastex, Inc. v. NLRB*, 437 U.S. 556 (1978). That principle underscores why employees retain a presumptive right of access to their workplace for purposes of protected activity.

The Board also finds guidance in the prior decision of the Public School Labor Relations Board (“PSLRB”) in *Harford County Education Association v. Board of Education of Harford County*, PSLRB Case No. SV 2015-03 (Apr. 4, 2016). There, the PSLRB concluded that a county school board committed an unfair labor practice when it banned the union president from all school buildings, thereby impairing the ability of the union to carry out its statutory functions. The PSLRB determined that such a ban unlawfully interfered with the employee organization’s rights under the Education Article and ordered the employer to post a notice acknowledging the violation. Under PERA § 22-305(b), this Board “is bound by prior opinions and decisions of” predecessor boards, which includes the PSLRB. The principle established in *HCEA* is directly applicable here: a public employer may not ban an elected union leader from the workplace without a compelling and contemporaneous justification, as such a ban interferes both with the employee’s individual rights and with the union’s right to designate its representatives. The Department’s exclusion of Idris from the March 26, 2024 LMC falls squarely within the type of conduct that the PSLRB deemed unlawful in *HCEA*, and further supports our conclusion that Respondent committed an unfair labor practice under PERA §§ 22-206(a)(1) and (2).

One of the most fundamental rights protected by the statute is the right of employees, through their union, to select their own representatives. Neither party to a bargaining relationship may dictate the other’s choice of spokespersons. The NLRB has long held that an employer violates the Act if it refuses to recognize the individuals whom the union has designated to represent it, whether at the bargaining table or on a joint labor-management committee. See *Ball Corp.*, 322 NLRB 948 (1997); *Harley Davidson Motor Co.*, 214 NLRB 433 (1974). The principle is straightforward: the strength of collective bargaining depends on each party’s ability to decide for itself who will represent its interests.

Taken together, these precedents demonstrate that restrictions on employee access are unlawful unless the employer shows special circumstances making them necessary to maintain order or discipline. The Department has made no such showing here. Idris sought only to attend an LMC meeting in the roll call room, a non-inmate, administrative area. Her exclusion was

therefore presumptively unlawful and, in the absence of contemporaneous justification, violated PERA §§ 22-206(a)(1) and (2).

Although the Board acknowledges that correctional institutions present unique security concerns, those concerns cannot serve as a blanket justification for excluding a duly designated union officer from participating in a labor-management meeting. The March 26 LMC was scheduled for the roll call room, an administrative space outside of inmate housing areas. The Department presented no evidence that Idris' presence would have disrupted operations, undermined security, or otherwise interfered with the orderly functioning of the facility.

Nor is the Department's suggestion that Idris could have participated remotely sufficient to cure the violation. The right at issue belongs not only to Idris individually but also to AFSCME as an organization. AFSCME has the contractual and statutory right to decide who will speak on its behalf. Substituting remote participation for in-person attendance diminished Idris' ability to perform her role and effectively allowed the employer to dictate the terms of her participation. That is precisely the type of interference prohibited by § 22-206(a)(2).

In sum, the Charging Parties have met their burden of showing that Idris was engaged in protected activity, that the Department was aware of that activity, and that the Department's conduct interfered with the exercise of rights guaranteed by PERA. The Department, by contrast, has failed to demonstrate special circumstances or operational necessity justifying Idris' exclusion. Accordingly, the Board concludes that the Department's refusal to admit Idris to the March 26, 2024 LMC violated §§ 22-206(a)(1) and (2) of PERA.²

V. Conclusions of Law

1. The Department of Public Safety and Correctional Services violated PERA § 22-206(a)(1) by interfering with Officer Idris' rights as an employee to engage in protected union activity when it barred her from the March 26, 2024 LMC.
2. The Department violated PERA § 22-206(a)(2) by interfering with AFSCME Council 3's right to select its representatives to the LMC.

VI. Order

Accordingly, the Department of Public Safety and Correctional Services is hereby ORDERED to:

² We emphasize that our decision is limited to the Department's exclusion of Idris from the March 26 meeting.

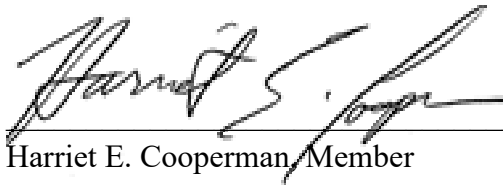
1. Cease and desist from interfering with AFSCME Council 3's right to designate its representatives to the LMC.
2. Cease and desist from restraining or coercing Officer Idris or any other employee in the exercise of their rights under PERA.
3. Post a notice to employees, in all customary locations, for a period of sixty (60) days, stating that the Department has been found to have violated PERA and affirming employees' rights.
4. Report compliance with this Order to the Board within thirty (30) days.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

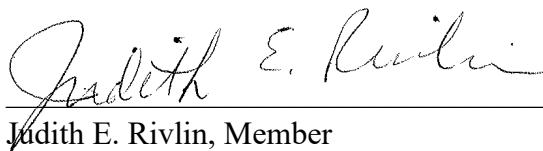
Date: October 10, 2025



Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Judith E. Rivlin, Member



Jennifer Epps, Member

Appeal Rights

Any party aggrieved by this action of the Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, Section 10-222, and Maryland Rules, 7-201 et. seq.