

**State of Maryland
Public Employee Relations Board**

In the Matter of:

Marla Crawford,

Charging Party,

v.

**Prince George's County
Education Association,**

Respondent.

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PERB ULP 2025-12

DECISION AND ORDER

PROCEDURAL BACKGROUND

On August 2, 2024, Dr. Maria Crawford (“Charging Party”) filed an Unfair Labor Practice Charge (“ULP” or “Charge”) with the Public Employee Relations Board (“PERB”) against the Prince George’s County Educators Association (“PGCEA” or “Respondent”). Dr. Crawford alleges that the PGCEA committed an unfair labor practice by assigning her legal counsel whom she claims has a conflict of interest in representing her statutory appeal of termination. PGCEA responded on August 19, 2024, by filing a Motion to Dismiss. On August 25, 2024, Dr. Crawford submitted her opposition to the motion.

FACTUAL BACKGROUND

Dr. Crawford, a science teacher for Prince George’s County Public Schools (PGCPS), was a member of the bargaining unit represented by PGCEA. On August 9, 2022, Dr. Crawford was notified by PGCPS that she was under investigation for alleged inappropriate conduct. Shortly after, on August 22, 2022, she went on leave under a sick leave grant from the sick leave bank (SLB), established through an agreement between PGCPS and PGCEA, with approval through November 2023.

During her leave, Dr. Crawford received five SLB extensions, four of which covered her sick leave through March 27, 2023. However, between March 9-11, 2023, she traveled to

Brussels, Belgium, to present at the 2023 International Convention of Psychological Science. When she later requested an additional SLB extension through May 17, 2023, the approval committee discovered her conference attendance and determined that PGCPs had rescinded her medical leave approval. On March 21, 2023, the committee denied her request, citing her engagement in work activities.

Dr. Crawford appealed the denial to PGCEA's President on April 4, 2023, but her appeal was rejected. In response, she filed a charge with the Equal Employment Opportunity Commission (EEOC). On June 23, 2023, she submitted a Freedom of Information Act (FOIA) request to PGCEA for records related to her SLB denial, addressing it to Mr. Damien Felton, Associate Counsel for MSEA assigned to PGCEA, Mr. Brian O'Neale, UniServe Director and MSEA employee assigned to PGCEA, and Ms. Melissa Robinson, PGCEA Director of Administration. She later forwarded the request separately to Mr. Felton, who, on June 25, 2023, informed her that PGCEA was not subject to FOIA and that he could not assist further.

On September 25, 2023, Kristy Anderson, PGCEA counsel, responded to Dr. Crawford's EEOC discrimination charge. Months later, on April 23, 2024, PGCPs placed Dr. Crawford on administrative leave pending an investigation. On April 29, 2024, PGCPs informed her that the Superintendent would recommend her termination to the Board of Education for misconduct in office and willful neglect of duty, citing allegations that she engaged in consulting work while on medical leave.

On April 30, 2024, Mr. Felton and Mr. O'Neale advised Dr. Crawford on her termination appeal. On July 9, 2024, Dr. Crawford raised concerns about a potential conflict of interest regarding Mr. Felton's representation of PGCEA in the EEOC matter. The next day, Mr. Felton denied any conflict, stating that he represented PGCEA's members rather than the union itself.

POSITIONS OF THE PARTIES

Charging Party

Dr. Crawford alleges that PGCEA violated its duty of fair representation in violation of Md. Code, State Gov't § 22-206(b)(6) by assigning Mr. Felton as her legal counsel in her statutory appeal of termination from PGCPs, despite his prior involvement in a related EEOC matter.

To support her claims, Dr. Crawford cites Maryland Attorneys' Rules of Professional Conduct Rule 19-301.7(a), which prohibits representation where conflicts exist or pose a significant risk of material limitation. She also references Stanley v. AFSCME, 165 Md. App. 1 at 20 (Md. Ct. App. 2005) *quoting* Thompson v. Aluminum Co. of Am., 276 F.3d 651, 658 (4th Cir. 2002), arguing that PGCEA officials acted in bad faith by withholding documents crucial to her EEOC case, making PGCEA and PGCPs "liable as co-conspirators" in her termination.

Respondent

Respondent argues that the Charge does not implicate the duty of fair representation, as it does not arise from the enforcement or administration of the PGCEA-negotiated agreement. Respondent asserts that the termination of a certificated educator falls under § 6-202 of the Education Article, not the collective bargaining agreement (CBA), and thus is outside PGCEA's duty of fair representation, which applies only to the negotiation, administration, and enforcement of the CBA. As a result, PGCEA asserts that § 22-206(b)(6) is inapplicable and PERB lacks jurisdiction.

PGCEA also contends that the charge is untimely, as the Charging Party filed EEOC charges related to her sick leave denial over a year prior to the Charge, and COMAR 14.30.09.01C requires that a charge be filed within six months of the alleged violation.

ANALYSIS

Dr. Crawford, a public school employee under Md. Code, Educ. §6-401(e)(1), is a PGCEA bargaining unit member. PGCEA, an employee organization as defined in Md. Code, State Gov't § 22-101(d) and Educ. § 6-401(c), is the Respondent in this Charge.

Under Md. Code, State Gov't Art. § 2-306(b)(4), PERB has authority to investigate and act on unfair labor practice complaints. As explained below, a union's duty of fair representation applies only to matters within its exclusive authority under a collective bargaining agreement. Dr. Crawford's termination appeal falls under Education Article § 6-202, which is not covered by the CBA.¹ As such, PERB lacks jurisdiction over this matter.

While we have yet to address this jurisdictional question, the Public School Labor Relations Board, one of three boards preceding PERB, has consistently held that the duty of fair representation does not extend to statutory appeals.² More specifically, the PSLRB has stated that the duty of fair representation stems from a union's exclusive authority to negotiate and administer the collective bargaining agreement and attaches only to matters in which the union exercises exclusive grant of authority. It has further explained that the duty does not apply to statutory appeals because the union does not act as an employee's exclusive representative in such appeals, and an employee may even elect to be represented by private counsel. *See McConnell v. AFSCME, Local 1693*, PSLRB Case No. DV 2013-07 (2013)(finding that unions may elect private counsel for statutory appeals); *see also Roberts v. PGCEA*, PSLRB Case No. SV 2014-11 (2014)(confirming that the duty of fair representation does not apply to *Loudermill* hearings). Because PGCEA has not negotiated any contractual provision granting it exclusive

¹ The CBA requires that no unit member be "disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without cause" but excludes suspension and dismissal.

² Under Md. Code, State Gov't Art. § 6-202, PERB is bound to decisions of the PSLRB.

authority over termination appeals under Education Article § 6-202, the duty of fair representation does not apply.

Furthermore, whether Mr. Felton had a conflict in representing Dr. Crawford in her statutory appeal after previously denying her FOIA request is outside the PERB's jurisdiction, as it does not implicate her rights under PERA, but instead, under Maryland's Attorneys' Rules of Professional Conduct.

Finally, because this matter falls outside of PERB's jurisdiction, we need not address the issue of timeliness.

ORDER

IT IS HEREBY ORDERED THAT THE CHARGE IN PERB ULP 2025-12 IS HEREBY DISMISSED.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD



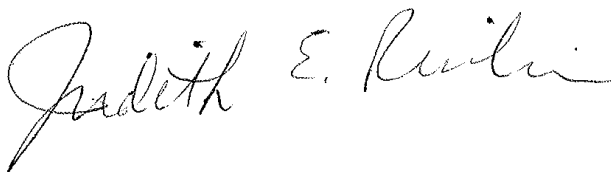
Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Lynn A. Ohman, Member



Judith E. Rivlin, Member

A handwritten signature in blue ink, reading "Richard A. Steyer". The signature is fluid and cursive, with the first name "Richard" and last name "Steyer" clearly legible.

Richard A. Steyer, Member

Issue Date: February 25, 2025

APPEAL RIGHTS

Any party aggrieved by this action of the PERB 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).