

# Maryland Public Employee Relations Board

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Wes Moore,  
Governor

## Membership

Lafe E. Solomon, *Chair*  
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<b>In the Matter of:</b>	*	
<b>Veronica Henderson,</b>	*	
<b>Charging Party,</b>	*	
<b>v.</b>	*	<b>PERB ULP 2026-18</b>
<b>Baltimore County Public Schools,</b>	*	
<b>Respondent.</b>	*	

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## DECISION AND ORDER

### Procedural Background

On December 3, 2025, Veronica Henderson (Charging Party or Henderson) filed an unfair labor practice charge with the Public Employee Relations Board (PERB) against the Baltimore County Public Schools (BCPS or the Respondent). Henderson alleges BCPS retaliated against her following her engagement in protected concerted activity by way of transferring her to a different job position and denying her requested accommodations. BCPS responded to Henderson's submission on December 22, 2025.

### Factual Background

Henderson has been employed in various administrative roles at BCPS since 1979. Beginning in or around 2022, Henderson worked as a Clerk II in the call center for BCPS's Department of Transportation. Most recently, Henderson has been employed as an Office Professional at Patapsco High School since the beginning of the 2025-26 school year.

During the course of her employment with BCPS, Henderson has been a strong supporter, advocate and member of her Union, the Baltimore County Federation of Public Employees,

FPE/AFT, AFL-CIO, Local #4883 (the Union). She serves on the local board of the Education Support Professionals of Baltimore County and has previously served on the state board of the Maryland State Education Association as well as the national board of the National Education Association. Further, Henderson has chronic, lifelong leg and spinal conditions which make standing up and sitting down difficult. Her doctors advised it is best to keep her leg elevated and to take pressure off her foot, knee and spine by not standing up often. Henderson is Native American and African American.

During Henderson's time within BCPS' Department of Transportation, Henderson applied for reasonable accommodations for her above-referenced injuries, which were granted by BCPS. According to Henderson, she "thrived" in her role at the Department of Transportation, receiving good performance evaluations, including on her last two evaluations.

On June 4, 2025, Henderson was called into a meeting with Mr. Homer McCall, BCPS' Chief Human Resources Officer, and Ms. Kimberly Kuhr, BCPS' Transportation Director. During this meeting, Henderson was informed she was being administratively transferred to Patapsco High School. After Henderson asked for reasoning as to why, McCall stated that Henderson had not "done anything wrong, but [was] being administratively transferred to a site where [her] skills will be better utilized." According to Henderson, at the time of the transfer, she was the most senior Clerk in BCPS' Transportation Call Center and no other employees within the Call Center were being transferred. BCPS stated in its Response that several positions were eliminated in the Department of Transportation, including the Clerk position held by Henderson, due to budgetary cuts.

Also on June 4, 2025, BCPS sent a letter to Henderson following the earlier meeting, stating "the administrative transfer is made as the needs of the school system require." On June 6, 2025, Henderson emailed McCall requesting additional information as to the reasons for her transfer but did not receive a response. On June 9, 2025, Henderson, with the assistance of her Union, filed an appeal against BCPS seeking to overturn her transfer. As of the date of Henderson's charge, the appeal remained pending.

On June 16, 2025, Dr. Scott Rodriguez-Hobbs, Principal of Patapsco High School, emailed Henderson to make contact ahead of her start date. Henderson replied the following day and informed Rodriguez-Hobbs of her disabilities and corresponding physical limitations, in effort to have those limitations accommodated upon her start date. Henderson began work at Patapsco High School in August, 2025. When the students first arrived on or about August 25, 2025, Henderson learned that her new position would be highly physically demanding on her, as she was forced to repeatedly stand up and sit down, and was unable to elevate her leg.

During this same week, Patapsco High administrators held meetings with Henderson, expressing disapproval regarding her job performance. These meetings were related to Henderson not timely arriving to work and her improper use of the timekeeping system, including clocking-in on her phone up to 12 minutes before she entered the building.

On September 8, 2025, Henderson filed a complaint with BCPS' Human Resources department, alleging that her transfer had effectively denied her reasonable accommodations. Henderson was informed that BCPS did not have record of her requested ADA accommodations for the current school year,<sup>1</sup> which then led Henderson to request an additional completed form from her doctor. In addition to this form, which was submitted to BCPS on September 17, 2025, Henderson asked for a transfer of her position to one in which she could sit for most of the day and elevate her legs if necessary.

On October 9, 2025, Henderson received a letter from Mr. Theodore Garrett, Equal Employment Opportunity Officer, which stated that BCPS' ability to accommodate her by way of transfer, as requested, was based on whether it had any open and available positions. Garrett stated that BCPS would look for a lateral position available for Henderson, but if one was not available, Henderson might be separated from her position. On November 4, 2025, Garrett informed Henderson that her request for reasonable accommodations in the form of transfer was denied, as there were no open positions available. Garrett further stated that Henderson would be receiving an Options Letter in the near future and instructed Henderson to utilize leave and not to report to Patapsco High School. Henderson obliged and did not report to work, utilizing four (4) days of personal leave. On November 12, 2025, Garrett called Henderson to explain he had mistakenly instructed her to not report to work. Henderson later asked BCPS to return the four days of leave she had utilized following Garrett's instruction; however BCPS refused to do so.

On November 19, 2025, Henderson attended the Options Meeting with Ms. Pamela Salisbury, HR Case Manager, along with Henderson's Union representative. At this meeting, Salisbury provided Henderson with five (5) options with a deadline of December 17, 2025: (1) apply and be approved for FMLA; (2) apply and be approved for unpaid Board approved leave; (3) apply for service or disability retirement; (4) apply and make the candidate list for a vacant position with BCPS for which she is qualified; or (5) voluntarily resign. Henderson and Salisbury also discussed potential use of the sick leave bank, but Henderson's later request for the sick leave bank was denied. Henderson is currently in an unpaid status, as she does not have sick leave available, and has not reported to Patapsco High School since November, 2025.

### **Positions of the Parties**

#### **Charging Party**

Charging Party's principal argument is that BCPS transferred her in retaliation for her engagement in protected concerted activity, such as being an active and vocal supporter of her Union. Specifically, Henderson alleges BCPS violated MD Code, State Gov't § 22-206(a)(1) and (4), which provide that public employers are prohibited from engaging in unfair labor practices such as interfering with, restraining, or coercing employees in the exercise of their rights under the Public Employee Relations Act (PERA), or discriminating against an employee in effort to

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<sup>1</sup> BCPS clarifies in its response that while Henderson's request for accommodations had been approved for the 2023-24 school year, BCPS had not received an additional request for accommodations since that time.

discourage their participation in an employee organization. Regarding the specific protected concerted activity, Henderson states she has a long history of participating in the work of her Union, including through board service, time as a building representative, and efforts in training union representatives.

Henderson further claims that BCPS' actions were motivated, at least in part, by racial factors and that the provided reasoning for her transfer was pretextual. To this end, Henderson argues that BCPS' explanation for her transfer being that the transfer would "better utilize her skills" made clear that this reason was pretextual, as her skills were already being utilized well in her previous position, and that BCPS was instead discriminating and retaliating against her for her union activity. Additionally, Henderson states that her transfer to Patapsco High School, which is found within an "overwhelmingly majority-white area of Baltimore County," was deliberate on behalf of BCPS in effort to expose Henderson to race discrimination with the goal of "[setting Henderson] up for failure and [making Henderson] so uncomfortable that she would quit, in further discrimination and retaliation for her union activity." Continuing, Henderson claims the meetings she had with Patapsco administrators during her first weeks on the job relating to her job performance were pretextual, preplanned and calculated.

Similarly, Henderson alleges that her transfer to a position within a high school which would require her to stand often, in contradiction to her previously requested accommodations, was purposeful to "set her up for failure, in order to discriminate against her for her union activities." In sum, Henderson claims that BCPS' actions in transferring her to Patapsco High School, and other related managerial actions such as performance related meetings and lack of granted accommodations, were discriminatory and retaliatory in response to Henderson's prior engagement in protected concerted activities with her Union.

#### Respondent

In response, BCPS claims its actions were not discriminatory, retaliatory, or otherwise amounted to unfair labor practices, but were rather actions taken as the needs of the district required and that such actions were within the scope of its authority. Specifically, BCPS states Henderson was transferred from her previous role as several positions within the Department of Transportation, including Henderson's previous clerk position, were eliminated due to budgetary cuts to every division in the school system. BCPS contends this transfer was within the bounds of the superintendent's authority under state law to assign personnel.

Regarding the meetings held between Patapsco administrators and Henderson during her first weeks on the job, BCPS claims that they were held solely due to her less than satisfactory performance, including improper use of the timekeeping system, and that there is no evidence that Henderson's exercise of her PERA rights was in any way related to such meetings. Regarding Henderson's requested accommodations, BCPS states that Henderson had not submitted a request for same since the 2023-24 school year, nor is there any evidence that such requests were denied due to Henderson's Union involvement. As Henderson's requested accommodations were not available for her position at Patapsco High School, she was referred to Options and given a number of alternatives for moving forward. In sum, BCPS claims that no evidence has been produced that its actions were discriminatory, retaliatory, or otherwise a violation under PERA. Given the foregoing, BCPS requests the Charge be dismissed.

### Analysis

BCPS is a public employer subject to PERA, pursuant to MD Code, State Gov't § 22-101(i) and Md. Code, Education § 6-501(h)(1). Henderson is a public employee subject to PERA, pursuant to Md. Code, State Gov't § 22-101(h) and Md. Code, Education § 6-501(g)(1). PERB has the authority to investigate and act on unfair labor practice complaints pursuant to Md. Code, State Gov't § 22-306(b)(4).

MD Code, State Gov't § 22-201(a)(1) provides that employees of a public employer have the right to engage in concerted activities for the purposes of mutual aid or protection. Relatedly, MD Code, State Gov't § 22-206(a)(1) and (4) state that it is an unfair labor practice for a public employer to interfere with, restrain, or coerce employees in the exercise of their rights, while also stating it is an unfair labor practice for public employers to discriminate against public employees in effort to discourage their participation in an employee organization.

PERB has recently adopted the NLRB's *Wright Line* approach in reviewing charges of alleged discrimination based on protected concerted activity. See Ellington v. Baltimore City Public Schools, PERB ULP 2025-38 (2025). Under *Wright Line*, to establish a prima facie case of discrimination or retaliation by the employer in response to protected concerted activity, the charging party must establish: (1) engagement in union or other protected concerted activity by the employee; (2) employer knowledge of that activity; and (3) animus toward the protected activity as well as a causal connection between the alleged discriminatory action and the protected activity. See Wright Line, 251 NLRB 1083 (1980). See also Intertape Polymer Corp., 372 NLRB 133 (2023). Courts and the NLRB have long held that animus and a causal connection may be "inferred from circumstantial evidence based on the record as a whole." See *id.*, citing Overnite Transportation Co., 335 NLRB 372 (2001).

Here, while elements (1) and (2) of the *Wright Line* analysis may have been met, Henderson has failed to establish support for element (3), as there is an insufficient factual basis which establishes the requisite causal connection between the alleged adverse action and Henderson's engagement in protected concerted activity. Even taking Henderson's claims regarding her Union activity as true, no evidence exists which links those actions to the complained of conduct taken by BCPS, nor has Henderson alleged a specific concerted activity she undertook which allegedly led to this coordinated action by BCPS. Rather, Henderson was unhappy with the transfer initiated by BCPS and has sought to link that action, among others, to her past engagement in protected concerted activity without providing support for the necessary link between the two.

In fact, the evidence produced by BCPS explains that the actions it took regarding Henderson, including her transfer, the various meetings related to her job performance, and the denial of her reasonable accommodations, were wholly unrelated to Henderson's prior engagement in protected activity but rather were actions taken under its authority as the needs of the district required. Specifically, Henderson was transferred due to elimination of her previous position following budget cuts, meetings were held early on in her employment at Patapsco High School due to her improper use of the timekeeping system, and her accommodations were not granted because Henderson had not submitted an updated request for same since the 2023-24 school year.

In sum, we find Henderson has failed to provide sufficient factual evidence to support her claim that the actions taken by BCPS were causally related to her previous engagement in protected concerted activity. Instead, Henderson has offered only speculation as to the causal link between

these actions and, accordingly, has failed to meet her burden. Henderson's claims related to denial of her reasonable accommodation requests and alleged racial discrimination fall outside the jurisdiction of this Board and, therefore, need not be discussed herein. Accordingly, Henderson's charge is dismissed.

**Order**

IT IS HEREBY ORDERED THAT THE CHARGE IN PERB ULP 2026-18 IS DISMISSED.

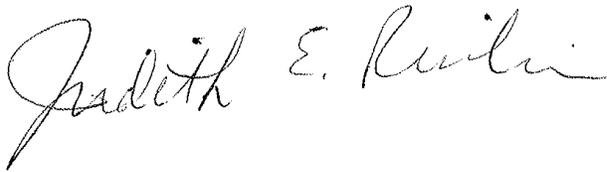
**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD:**



Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Judith E. Rivlin, Member



Jennifer Epps, Member

**Annapolis, MD**

**Issue Date: February 6, 2026**

**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.