

Maryland Public Employee Relations Board

45 Calvert Street, Room 102
Annapolis, MD 21401
(410) 260-7291



Wes Moore,
Governor

Membership

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

In the Matter of:	*	
Yuri Chia,	*	
Charging Party,	*	
v.	*	PERB ULP 2026-23
Maryland Department of Transportation/ State Highway Administration,	*	
Respondent.	*	

DECISION AND ORDER

In the above-captioned unfair labor practice charge, Charging Party Yuri Chia alleges that Respondent, the State Highway Administration (SHA), a subagency of the Maryland Department of Transportation, violated his rights under the Public Employee Relations Act (PERA or the Act). The allegations arise from an investigation into the Charging Party by SHA.

Procedural Background

On January 1, 2026, the Charging Party filed a charge against his employer, SHA. On January 15, 2026, SHA filed a timely response. On January 21, 2026, the Charging Party filed a rebuttal to SHA. The Deputy Director investigated the charge and, upon review of the findings and parties' filings, submitted a report to the Board for its consideration.

Factual Background

The Charging Party is employed as a Transportation Engineer by SHA and belongs to bargaining unit G in a job classification represented by Maryland Public Employees Council 67. In early November 2025, SHA received a complaint about the Charging Party's conduct.

On November 13, 2025 SHA directed the Charging Party to attend a meeting to investigate the complaint against him. SHA advised him of the nature of the complaint and the gathered information from the Charging Party. On November 20, 2025, SHA called the Charging Party into a second meeting. The Charging Party requested a union representative at the onset of this meeting and SHA investigators postponed the meeting approximately four hours to allow him time to secure one. When he could not secure one, SHA postponed the meeting further until the following Monday, November 24, 2025. During that time, the Charging Party contacted MPEC to secure a representative but was unable to do so. At the onset of the November 24 meeting, the Charging Party again requested a union representative but the investigators proceeded with their questions. In response to each question, the Charging Party reiterated his request for representation and provided no information.

SHA imposed discipline upon the Charging Party at the conclusion of its investigation. After describing the Charging Party's responses to questions asked in the November 24 meeting, the discipline from SHA stated "your excuses are unacceptable" in the written discipline. As a consequence, SHA deducted one day of leave from the Charging Party.

Positions of the Parties

Charging Party

The Charging Party asserts that SHA denied him his right to have a union representative in the investigatory meeting on November 24, 2025 and retaliated against him for asserting his right to have a union representative in the discipline SHA imposed. He also asserts that his due process rights were violated and SHA failed to follow regulations in the investigatory process.

Respondent

SHA denies any violation of the Public Employee Relations Act (PERA), due process, or any other applicable law as alleged by the Charging Party. It asserts that it met its obligations to the Charging Party under PERA by providing him the time necessary to secure a union representative. It denies that it referred to the Charging Party's request for representation when it stated that "excuses were unacceptable" in the discipline. It further denies that it committed any other legal violations arising from this charge.

Analysis

The Charging Party is a public employee subject to PERA, pursuant to Md. Code, State Gov't § 22-101(h). SHA is a public employer subject to PERA, pursuant to Md. Code, State Gov't §22-101(i). PERA requires claims of unfair labor practices be submitted within six (6) months after the unfair labor practice occurred. This matter was timely submitted, as the alleged unfair labor practices occurred on November 20, 2025, at the earliest, and the Charging Party filed his charge on January 1, 2025.

§ 22-307(a)(2) of PERA states, “[i]f the Board, through the deputy director’s investigation, finds that probable cause exists to support the charge of an unfair labor practice, the Board shall: (i) issue a complaint against the party stated in the charges....” The issue now before us is whether probable cause exists to support the issuance of a complaint in this matter.

In *NLRB v. J. Weingarten, Inc.*, the Supreme Court affirmed the NLRB’s construction of the right of employees to have a representative present in certain meetings with their employer. 420 U.S. 251 (1975). This right arises out of the wording of the NLRA which states that “[e]mployees shall have the right. . . to engage in. . . concerted activities for the purpose of. . . mutual aid or protection.” *Id.* In reaching this conclusion, the Court recognized that the availability of such a right of representation to employees benefits both sides of the labor-management relationship and facilitates labor peace. *Id.* at 262-3.

That right is limited, however, insofar as an employee’s exercise of his or her right to representation may interfere with legitimate employer prerogatives. The NLRB has held that “it is a legitimate employer prerogative” to proceed with an investigatory interview of an employee as long as there is a “reasonable opportunity” to secure representation. *Coca-Cola Bottling Co.*, 227 NLRB 1276, 1280 (1977). In *Coca Cola*, an employee requested a union representative who was on vacation rather than another available representative, effectively requesting that the employer postpone the meeting from Friday to the following Monday. *Id.* The labor board held that nothing in *Weingarten* indicates that an employer must postpone an interview in such circumstances. *Id.* The Fourth Circuit Court of Appeals cited *Coca Cola* approvingly, noting that it is a legitimate business interest for an employer to conduct investigatory interviews “without undue delay.” *Anheuser Busch, Inc. v. NLRB*, 338 F.3d 267, 276 (4th Cir. 2003).

Evaluating the facts of this case under a *Weingarten* lens, the Charging Party failed to establish that Respondent’s actions in proceeding with the investigatory interview without union representation violated his protected rights under PERA. It follows that the Charging Party’s refusal to answer these questions exceeded the protection of PERA and it was lawful for SHA to describe the Charging Party’s conduct in that meeting as “unacceptable” in his written discipline.

We, therefore, find that the Charging Party has failed to produce sufficient evidence to establish probable cause that SHA interfered with the exercise of his rights under PERA or retaliated against him for exercising those rights. He has also failed to articulate any other allegations cognizable under PERA. The charge against SHA is dismissed.

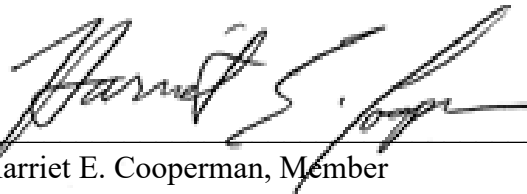
Order

IT IS HEREBY ORDERED THAT THE CHARGE IN PERB ULP 2026-23 IS DISMISED.

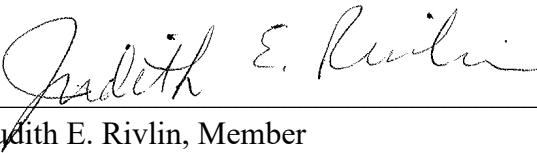
BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD



Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Judith E. Rivlin, Member



Jennifer Epps, Member

ISSUE DATE: March 2, 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.