

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: | * | |
| Kassim Adewale, | * | |
| Charging Party, | * | |
| v. | * | PERB ULP 2026-40 |
| AFSCME Maryland, Council 3, | * | |
| Respondent. | * | |

DECISION AND ORDER

Procedural Background

On March 18, 2026, Kassim Adewale (Charging Party or Adewale) filed an unfair labor practice charge with the Public Employee Relations Board (PERB or the Board) against AFSCME Maryland, Council 3 (AFSCME, the Union, or the Respondent). AFSCME responded to Adewale's charge on April 8, 2026. Adewale submitted an additional rebuttal on April 9, 2026.

Factual Background

Adewale was employed by the Maryland Department of Public Safety and Correctional Services (DPSCS) assigned to the Roxbury Correctional Institute (RCI) in Hagerstown, MD. Adewale's employment was terminated with DPSCS effective September 3, 2025. AFSCME is an employee organization which represents a number of state employees, including individuals employed by DPSCS within bargaining unit H, which included Adewale during his time with DPSCS.

Discipline for correctional officers is controlled by the Correctional Officers Bill of Rights (COBR).¹ COBR sets out the right to petition for a show cause order if COBR rights are denied and it sets out the right to petition for judicial review of a final administrative decision. It also sets out that discipline consisting of a 10-day suspension or greater may be heard by a trial board of correctional officers or by OAH. Following enactment of COBR, the Union arranged to provide support for members in certain circumstances through a legal services plan, funded by a supplemental fee to cover its costs.

On August 26, 2024, Adewale received a Notice of Disciplinary Charges, which stated that following an investigation, DPSCS determined Adewale had violated standards of conduct on July 24, 2024, when he refused to follow the order of a superior and used abusive language towards that superior. The recommended discipline was termination. Pursuant to COBR, and in consultation with the Union's counsel, Adewale appealed his Notice.

On April 16, 2025, Adewale, along with Union counsel, appeared for a hearing where the parties exchanged testimony. However, the trial board found the testimony of DPSCS more credible, found Adewale guilty on both above counts, and concluded that termination was the appropriate decision. The matter was then referred to an RCI warden for final action. On September 3, 2025, the RCI warden issued a final decision and order terminating Adewale's employment. This decision advised Adewale of his right to seek review by a Circuit Court.

Thereafter, AFSCME and its counsel reviewed the matter but did not find that its frustrations with certain aspects of the previous hearing warranted cause for judicial review action. Given the applicable legal standards for COBR matters, AFSCME determined that DPSCS's testimony and evidence were adequate and that there was no error of law.

On September 10, 2025, Union counsel spoke with Adewale via a phone call, where he was informed that AFSCME would not support a judicial review action of his termination. On September 25, 2025, Adewale filed a petition for judicial review in the Circuit Court for Baltimore City challenging his termination.

On February 22, 2026, Adewale submitted a written request to AFSCME seeking a written explanation for its refusal to represent him in the Circuit Court appeal, as well as any documents or records reflecting its decision-making process. An AFSCME representative responded on March 11, 2026, stating that it declined to pursue his appeal based on its assessment that the appeal lacked merit based on its consultation with Union counsel.

Positions of the Parties

Charging Party

Adewale primarily argues that AFSCME breached its duty of fair representation by refusing to represent him in his Circuit Court appeal of his termination. Adewale has further

¹ See Title 10, Subtitle 9 of the Correctional Services Act of the Maryland Code.

objected to the sufficiency of the explanation provided by AFSCME in March of 2026, arguing that AFSCME relied on discretionary authority without explaining how its discretion was exercised in a consistent, non-arbitrary manner. As such, Adewale contends that AFSCME's refusal to represent him was made without any documented evaluation or demonstrably reasonable process and was therefore arbitrary and inconsistent with its duty of fair representation.

In response to the Union's timeliness defense, Adewale states that assertion is unsupported by the facts as the Union continued to refuse to provide documentation of its decision to not represent him, before ultimately providing a written explanation on March 11, 2026. Adewale points to this communication as a way of establishing the ongoing nature of AFSCME's refusal to represent him, stating that such ongoing actions make this matter timely as the charge was filed within the applicable limitations period from when the Union clarified and finalized its refusal on March 11, 2026.

Respondent

AFSCME argues that Adewale's charge must be dismissed as untimely pursuant to Md. Code, State Gov't § 22-307(b), which states that the Board may not issue a complaint if the unfair labor practice occurred more than 6 months before the filing of the charge. Dismissal is compelled here as the Charge was filed on March 18, 2026, while it was September 10, 2025, when AFSCME informed Adewale that it would not support his judicial review action. Thus, Adewale had until March 10, 2026, to file his charge, but failed to do so.

Analysis

Adewale is a public employee subject to the Public Employee Relations Act (PERA), pursuant to Md. Code, State Gov't § 22-101(h). AFSCME is a certified exclusive representative representing public employees within bargaining unit H, pursuant to Md. Code, State Gov't § 22-101(e).

Pursuant to PERA, the PERB "may not issue a complaint...if the unfair labor practice occurred more than 6 months before the filing of the charge." Md. Code, State Gov't § 22-307(b). Here, Adewale was informed by the Union on September 10, 2025, that it would not be supporting a judicial review action of his termination. While Adewale points to additional communications with the Union taking place after this date and as recently as March 11, 2026, the Union's ultimate decision to not support his judicial review action – which serves as the alleged unfair labor practice here – was finalized and relayed to Adewale on September 10, 2025.

Given the above, we find that that Adewale's charge must be dismissed as untimely, pursuant to Md. Code, State Gov't § 22-307(b), as Adewale filed his charge more than 6 months after the alleged unfair labor practice. As we are statutorily precluded from issuing a complaint in this matter, a substantive discussion of the merits of this case is not necessary. Accordingly, Adewale's charge is dismissed.

Order

IT IS HEREBY ORDERED THAT THE CHARGE IN PERB ULP 2026-40 IS DISMISSED.

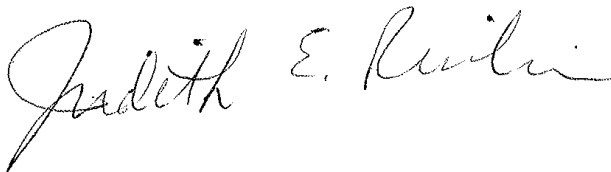
BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD:



Lafe E. Solomon, Chair



Harriet E. Cooperman, Member



Judith E. Rivlin, Member



Jennifer Epps, Member

Annapolis, MD

Issue Date: April 30, 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.