



**Maryland Classified Employees Association, inc.**

## **MCEA News Release**

May 12, 2009

**Contact: Vanessa DiDomenico, Director of Communications**

**7127 Rutherford Road, Baltimore, MD 21244 \* 410-298-8800 \* 1-888-611-MCEA**

*Marilyn J. Miller, President*

*David G. Boschert, Executive Director*

## **MCEA Members Win Their Cases With MCEA Representation**

Once again, MCEA (the oldest and largest independent labor organization serving Maryland public employees) has won victories for three more of its members!

On April 24, 2009, Keith Pennick won his annual leave time back. Mr. Pennick is a Case Management Specialist III with the Department of Juvenile Services and was unjustly disciplined for not following DJS policy. He was given a 5 day loss of annual leave. MCEA's Labor Relations Specialist Steve Yarbor pursued avenues through a first-step grievance hearing and skillfully represented Mr. Pennick.

Mr. Yarbor asserted that management has only 30 days to take disciplinary action against an employee, and it had been 35 days since management first acquired knowledge of the infraction, an alleged violation of regulations. He provided copy of State Personnel and Pensions Section 11-106 (b), which states "an appointing authority may impose any disciplinary action no later than 30 days after the appointing authority acquires knowledge of the misconduct for which the disciplinary action is imposed." Additionally, Mr. Yarbor provided a copy of case-law in which the Maryland appellate courts enforced this provision of the State personnel law.

After reviewing the testimony from all individuals and the exhibits provided by Mr. Yarbor, a decision was rendered by Rudy Adams, the Hearing Officer for DJS. He agreed that DJS did violate State Personnel and Pensions 11-106 (b) by failing to discipline the employee in a timely manner. As a result, the grievance was granted and the five days of leave were returned to Mr. Pennick.

Mr. Pennick commented, "MCEA is a blessing! They were very prompt and diligent in assisting me with my case and concerns, and Mr. Yarbor was extremely helpful and dedicated in his efforts to assist me as well. Thank you Steve and MCEA for all your hard work!"

On April 3, 2009, a Case Management Specialist was reinstated to her position and awarded back pay. The Case Management Specialist works for the Department of Juvenile Services and filed an appeal in April 2008, challenging a disciplinary demotion from Case Management Specialist III to Case Management Specialist II. MCEA's Legal Counsel Hillary Galloway Davis took action and represented the employee before the Office of Administrative Hearings.

After a contested case hearing and written motions filed by MCEA, the Administrative Law Judge agreed that DJS had not established cause for imposing disciplinary action against the employee, and further, that DJS had not shown that they considered mitigating circumstances. The employee was ultimately

ordered reinstated back to the position of Case Management Specialist III, and was also ordered to receive all back pay and benefits that were lost as a result of the illegal demotion.

On March 18, 2009, Margaret Schaeffer won her job back. Ms. Schaeffer is a Family Services Case Worker II with the Department of Social Services and was out on approved sick leave and FMLA in December 2007 and January 2008. Notwithstanding this fact, in February 2008, while still out sick, her employer sent her a certified letter advising that she was considered to have resigned her position for an alleged failure to provide notice of the reasons for her absence and of her intent to return to work. She was no longer a state employee.

MCEA's Labor Relations Specialist Mike Keeney, along with Legal Counsel Hillary Galloway Davis, pursued all avenues through the grievance process and ultimately represented Ms. Schaeffer before the Office of Administrative Hearings. Following her hearing, Administrative Law Judge Yolanda L. Curtin rendered a decision in which she agreed that DSS was not entitled to remove Ms. Schaeffer and ordered that the resignation be rescinded and she be restored to her position with all back pay and benefits that were lost during that time. Any records of her termination were also ordered expunged from her personnel file as well.

Ms. Schaeffer remarked, "I can't begin to put into words how grateful I am with MCEA and their level of commitment and compassion with my case. They were just like family to me, striving to find justice for me as if I was one of their very own, coming from their heart. Mr. Keeney was relentless to find justice and Ms. Davis picked up all the pieces of the puzzles to the very end and was out of this world! They made a dynamic team!"

Legal representation as a member of MCEA sure does pay off when you need it most. It pays to have MCEA on your side!

More information about MCEA is available on our website at [www.mcea.org](http://www.mcea.org). For additional information, please call Vanessa DiDomenico (MCEA Director of Communications) at 1-888-611-MCEA, ext. 211.