



# MCEA Member Proudly Celebrates Winning His Case

## MCEA Represents Case Management Specialist and Wins His Annual Leave Time Back (April 24, 2009)

Keith Pennick, Case Management Specialist III with the Department of Juvenile Services, was unjustly disciplined for not following DJS policy and 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." Mr. Yarbor also 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. Steve Yarbor was extremely helpful and dedicated in his efforts to assist me as well. Thank you Steve and MCEA for all your hard work!"***



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410-298-8800 • 1-888-611-MCEA • 7127 Rutherford Road • Baltimore, MD 21244 • [www.mcea.org](http://www.mcea.org)