

**ARBITRATION CASE**

**Before**

Teachers Association of Anne  
Arundel County

Leon B. Applewhaite  
Name of Arbitrator

v.

May 4, 1996  
Date of Decision

Board of Education of  
Anne Arundel County

**Issue: (Use exact issue as framed)**

Whether the Board of Education violated Art. 8 of the parties negotiated agreement by not reassigning Myra Cason (special education teacher) to the same position she held at the start of her FMLA leave, upon her return from FMLA leave and by not allowing her to work four days during the summer, as her position would normally permit.

**CONTRACT PROVISION(S):**

Article L(8) (10): "Except in unusual circumstances upon return from FMLA leave, a Unite I member will return to his/her position.

**DECISION: (Include brief synopsis of arbitrator's reasoning)**

Collective Bargaining agreement violated. Teachers ordered reinstated as Vocational Experience Program (VEP) coordinator and given four days for lost summer work. Arbitrator believed the VEP duties were unique enough to this special education teacher's position that FMLA entitled her to return to those specific duties. Board still believes that this is an overbroad interpretation of "position," as used both in the agreement and in FMLA.