

ARBITRATION CASE

Before

Teachers Association of Baltimore
County

Malcolm L. Pritzker
Name of Arbitrator

v.

March 25, 1996
Date of Decision

Board of Education of
Baltimore County

Issue: (Use exact issue as framed)

Did the Board violate Article XII, Section 12.8, 12.8.2, 12.8.4 and 12.8.7 by denying the request of a male teacher for a six-week child rearing leave of absence with pay?

CONTRACT PROVISION(S):

Article XII, Section 12.8 - If a teacher does not desire to return to her position as soon as she is physically able to do so, following the birth of a child or a father wishes to remain home to raise a newborn child, he/she may apply for a child rearing leave of absence under the following conditions: Section 12.8.4 a teacher on child rearing leave may use accumulated sick leave for up to six calendar weeks after giving birth to the child provided that the teacher has worked until it was medically necessary to stop.

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

In denying the grievance, the arbitrator states that in Section 12.8.4 "I can only read the reference to using accumulated sick leave as applying only to a female teacher ..."

He also noted that " the negotiators for both the Association and the Board testified without contradiction that the understanding of both parties at the bargaining table was that paid leaves are available only to female employees."

COMMENTS: (Local negotiator input on effects of decision on system)

The grievant through the assistance of the American Civil Liberties Union Foundation of Maryland is now pursuing the case in the United States District Court.