

## ARBITRATION CASE

Before

Teachers Association of Baltimore  
County

E. William Hockenberry  
Name of Arbitrator

v.

April 21, 1995  
Date of Decision

Board of Education of  
Baltimore County

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

Did the Board of Education violate Article XV of the Agreement by the involuntary transfer of the Grievant?

### **CONTRACT PROVISION(S):**

Article XV Section 15.7 - Involuntary transfers will be made only to prevent disruption of the instructional program, to maintain balance of staffing..... "Balanced Staffing" shall be defined as that which provides teachers who have the necessary qualifications to teach specified subject areas and grade levels and also vary in experience, race, and sex.

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

The arbitrator denied the grievance saying that the Board was justified in retaining the less senior teacher who had experience teaching higher level grade 11 and grade 12 English courses. Even though the grievant had experience teaching English classes, the Arbitrator agreed that he could not maintain the instructional program at the same level of quality.

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

The case has given us the confidence to make transfer decisions based on this balanced staffing clause instead of the section calling for involuntary transfers by the least senior teacher.