

State of Maryland
State Labor Relations Board

In the matter of:)	
Bryan Lee Stallings,)	
)	
Petitioner,)	
)	
v.)	
)	SLRB ULP Case No. 14-U-07
)	SLRB ULP Case No. 14-U-08
Washington County Board of County)	
Commissioners / Department of)	
Emergency Services,)	
)	
and)	
)	
American Federation of State, County &)	
Municipal Employees,)	
)	
Respondents.)	

Board Dismissal for Lack of Jurisdiction over Petitioner, and Untimely Filing
Based on Board Regulations

On January 29, 2014, Petitioner Bryan L. Stallings, a former employee of Washington County, filed the first of two complaints before the State Labor Relations Board (“Board” or “SLRB”), pursuant to COMAR 14.32.05. In Petitioner’s first complaint, captioned as SLRB Case 14-U-07, he alleges that his previous employer (Washington County) inappropriately terminated him on November 19, 2013, inappropriately suspended him for one day in April 2013 (transpiring out of events surrounding a dispatched medical response), and inappropriately suspended him for three days in June 2011, arguing that he was not provided a copy of a letter from the Washington County Volunteer Fire and Rescue Association, the content of which had been the reasoning behind the suspension.

On February 3, 2014, Petitioner filed his second complaint, captioned as 14-U-08, versus the American Federation of State, County & Municipal Employees (AFSCME). Petitioner alleges that he was denied union representation relative to the termination by Washington County, per his first complaint, which happened on November 19, 2013. Petitioner alleges that despite numerous attempts to call, request information, and communicate with various union representatives, which started on November 21, 2013, he was ultimately provided with insufficient, poorly explained, or, in the alternative, no information as to why the union would not or could not represent him in a grievance proceeding relative to his dismissal.

Both of Petitioner's complaints are deficient for lack of statutory jurisdiction. Petitioner is not, nor was he, a state or university system employee who is under the jurisdiction of the State Labor Relations Board. Title 3 of the State Personnel & Pensions Article, under which the State Labor Relations Board functions, states at §3-102(a), that this title applies to:

(1) all employees of:

- (i) the principal departments within the Executive Branch of State Government;
- (ii) the Maryland Insurance Administration;
- (iii) the State Department of Assessments and Taxation;
- (iv) the State Lottery Agency;
- (v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;
- (vi) the Comptroller;
- (vii) the Maryland Transportation Authority who are not police officers;
- (viii) the State Retirement Agency; and
- (ix) the State Department of Education; and

(2) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

Based on this statutory applicability, both of these complaints are dismissed, because of State Labor Relations Board lack of jurisdiction over the petitioner.


Issue Date: 3/6/2014

Annapolis, Maryland

For The State Labor Relations Board:


 June M. Marshall, Chair

 Sherry L. Mason, Member

 Edward J. Gutman, Member



Susie C. Jablinske, Member



LeRoy A. Wilkison, Member

APPEAL RIGHTS

Any party aggrieved by this action of the SLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).