

State of Maryland
State Labor Relations Board

In the matter of:)	
)	
Natalie E. Murray,)	
)	
Complainant)	SLRB ULP Case No.
)	12-U-02
)	
v.)	
)	
AFSCME, Maryland,)	
)	
Respondent.)	

*Board Dismissal for Lack of Jurisdiction and Failure to State a Claim Upon Which
Relief May Be Granted*

This matter comes before the State labor Relations Board (“the Board” or “SLRB”) as the result of Complainant, Natalie E. Murray, filing an unfair labor practice complaint on August 27, 2011, pursuant to COMAR 14.32.05. In her complaint, Ms. Murray alleges that AFSCME, Maryland (“Respondent” or “Union”) failed to represent her in an all-day suspension case as well as other matters such as overtime pay and a reprimand involving her employer, the State Motor Vehicles Administration (“MVA” or “Employer”). Complainant retired from state service in April, 2011.

Complainant’s complaint is deficient for the following reasons. First, Complainant failed to file a timely charge in that all of the incidents referred to in her complaint, occurred nearly two years before she filed her complaint. COMAR 14.32.05.01C requires that a “complaint shall be filed with the Board within 90 days from the later of the alleged violation or following the time that a reasonable person would, upon exercising due diligence, have discovered the occurrence of the alleged violation.” Second, Complainant’s complaint fails to State a claim upon which relief may be granted under Title 3 of the State Personnel & Pensions Article or State Labor Relations Board regulations. This is so for the reason that even assuming, *arguendo*, that Complainant did file in a timely manner, which she clearly failed to do, there is insufficient evidence to show that Respondent violated its statutory “duty of fair representation”. To the contrary, the evidence shows that Respondent acted in accordance with its legal obligations, including representing Complainant in a hearing before an administrative law judge resulting in the reversal of a 3 day suspension and the restoration of back pay. Vaca v. Sipes, 386 U.S.1710 (1967); Ford Motor Co. v. Huffman, 345 U.S. 330(1953); Miranda Fuel Co., 140 NLRB 181 (1962).

Accordingly, for the reasons stated above, Respondent's Motion to Dismiss is granted and the complaint filed herein is hereby dismissed.

BY ORDER OF THE STATE LABOR RELATIONS BOARD

January 11, 2012
Glen Burnie, MD

For the Board:



Sherry Mason, Member



Laird Patterson, Member



Susie Jablinske, Member



June Marshall, Member



LeRoy Wilkison, Member

Appeal Rights

Any party aggrieved by this action of the Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, §10-222, and MD R CIR CT Rule 7-201 *et seq.*