

State of Maryland
State Labor Relations Board

In the matter of:)	
Jerry M. Baucum,)	
)	
)	SLRB ULP Case No. 13-U-04
Petitioner,)	
)	
v.)	
)	
Giant Food,)	
)	
)	
Respondent)	

Board Dismissal for Lack of Jurisdiction

This matter comes before the State Labor Relations Board (“the Board” or “SLRB”) as the result of Petitioner, Jerry M. Baucum having filed an unfair labor practice Complaint on April 18, 2013, pursuant to COMAR 14.32.05.

In his Complaint, Petitioner asserts that his employer, Giant Food, through the actions of Petitioner’s supervisor, has over the last five months made attempts to break the spirit of employees, and render Petitioner ineffective as a shop steward. Petitioner’s Complaint further alleges that his supervisor bragged about the number of employees he has fired, instructed employees not to talk to each other, and warned that they would be written up if they do. Further, the Complaint alleges that Petitioner has been constructively demoted and stripped of seniority as a result of his union activity. Finally, the Complaint states that Petitioner’s supervisor has made false accusations about Petitioner’s job performance, and has harassed him with written reprimands, in an attempt to let other employees see that if Petitioner can’t protect himself, he can’t help other employees protect their own rights.

The State Labor Relations Board has jurisdiction to administer and enforce the labor laws covering individuals employed by the State of Maryland. Petitioner’s Complaint is therefore deficient for lack of jurisdiction, and thus inappropriately filed before the State Labor Relations Board, as it fails to demonstrate that he is employed by the State of Maryland or any of the units of state government described in State Personnel & Pension Article §3-101(a)(1) through (4).

Accordingly, based on the discussion above, this Complaint is dismissed.

Should Petitioner wish to pursue the underlying issues and facts that give rise to this Complaint, another possible agency or office to contact about this matter may be the National Labor Relations Board. The National Labor Relations Board can be contacted at the following address and phone number:

Baltimore Regional Office
Bank of America Center, Tower II
100 S. Charles Street
6th Floor
Baltimore, MD 21201
Phone: (410) 962-2822

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. It also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

This referral to the National Labor Relations Board does not constitute legal advice to Petitioner as to the merits of any claim Petitioner may have before this agency. Petitioner is urged to consult legal counsel as to the merits of any possible claims.

If there are any further questions regarding the above, please feel free to contact Jerry M. Cutler, Esq., Assistant Attorney General and Counsel to the State Labor Relations Board. He may be reached at (410) 576-6962.

Issue Date: June 4, 2013

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 Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, Section 10-222, and Maryland Rule 7-201, *et. seq.*