

State of Maryland
State Labor Relations Board

In the matter of:)	
Leonard Albert Davis,)	
)	
Petitioner,)	
)	SLRB Case No. 2015-U-05
v.)	
)	
Maryland Mass Transit Administration,)	
)	
Respondent.)	

Board Dismissal for Lack of Jurisdiction

On January 5, 2015, Petitioner Leonard Davis filed an unfair labor practice complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In his complaint, Mr. Davis alleges that the Respondent, the Maryland Mass Transit Administration (MTA) improperly terminated his employment, and did not reinstate him to his position, as Mr. Davis alleges was justified by certain medical information he provided to the MTA.

Petitioner’s complaint is deficient in numerous respects. First, Petitioner failed to file a certificate of service, attesting that the complaint had been served upon the Respondent, pursuant to COMAR 14.32.02.12. Petitioner’s complaint also fails to demonstrate that Petitioner is an employee of any of the units of State government described in State Personnel & Pension Article §3-102(a). Maryland Transit Administration employees are specifically not covered under the State Personnel & Pension Article. SPP §3-102(b)(1) provides:

(b) This title does not apply to: (1) employees of the Maryland Transit Administration, as that term is defined in §7-601(a)(2) of the Transportation Article.

§7-601(a)(2) provides,

(a) In this subtitle the following words have the meanings indicated:

(1) “Accredited representative” includes the representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section. As of December 31, 1983, “accredited representative” included only:

(i) The Amalgamated Transit Union, Division No. 1300;

- (ii) The Office and Professional Employees International Union, Local 2; and
- (iii) The American Federation of State, County and Municipal Employees, Local 1859, Council 67.

(2) "Employees: means those employees who are validly represented by an accredited representative.

There is no question that Mr. Davis was an employee of the MTA, and that he is represented by ATU 1300. However, an employment relationship and accredited union representation do not make up for the lack of jurisdiction over MTA employees specifically stated in the State Labor Relations Board enabling statute.

Accordingly, this complaint is administratively dismissed, because of deficient service, failure to state a claim upon which relief can be granted, and a lack of Board jurisdiction to consider the complaint.

Issue Date: April 14, 2015

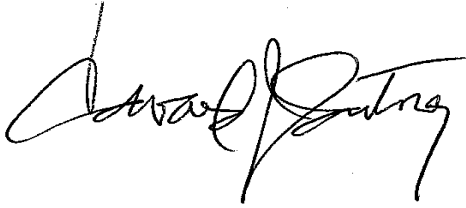
For the State Labor Relations Board:



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.*